

**GETTING TO “YES”: RESOLVING THE 30-YEAR
CONFLICT OVER THE STATUS OF
WESTERN SAHARA**

HEARING

BEFORE THE

SUBCOMMITTEE ON AFRICA, GLOBAL HUMAN
RIGHTS AND INTERNATIONAL OPERATIONS

OF THE

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INTERNATIONAL RELATIONS
HOUSE OF REPRESENTATIVES

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GETTING TO “YES”: RESOLVING THE 30-YEAR CONFLICT OVER THE STATUS OF WESTERN SAHARA

THURSDAY, NOVEMBER 17, 2005

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON AFRICA, GLOBAL HUMAN RIGHTS
AND INTERNATIONAL OPERATIONS,
COMMITTEE ON INTERNATIONAL RELATIONS,
Washington, DC.

The Subcommittee met, pursuant to notice, at 2:47 p.m. in room 2172, Rayburn House Office Building, Hon. Christopher H. Smith (Chairman of the Subcommittee) presiding.

Mr. SMITH. The Subcommittee will resume.

[The prepared statement of Mr. Smith follows:]

PREPARED STATEMENT OF THE HONORABLE CHRISTOPHER H. SMITH, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW JERSEY AND CHAIRMAN, SUBCOMMITTEE ON AFRICA, GLOBAL HUMAN RIGHTS AND INTERNATIONAL OPERATIONS

In the 1950s and 1960s, dozens of former European colonies in Africa won their independence, changing forever the face of a continent in bondage since the scramble for Africa in 1800s. Some African colonies didn't win their independence until later, such as Angola and Mozambique in the 1970s and Zimbabwe and Namibia the 1980s. Majority rule didn't come to South Africa until the 1990s.

However, the wave of African independence left one new nation yet unborn. In the United Nations Decolonization Committee files, one case is left unresolved. The International Court of Justice ruled in 1975 that the Saharawi people of the territory known as Western Sahara had a right to determine their own future in a nation they would create from the colony ruled by Spain. Unfortunately, Spain did not honor its promise of a referendum for the Saharawis. Morocco and Mauritania decided to split Western Sahara between them, denying the Saharawis their chance to decide their own fate.

A war for Saharawi independence by a movement known as the Polisario Front ended Mauritania's claims on Western Sahara territory, but Morocco continues to consider Western Sahara as part of its sovereign territory. Morocco and the Polisario Front signed an agreement to end hostilities in 1991, which included an agreement to let the Saharawis hold a referendum on independence, but more than a decade of delays and subterfuge have left generations of Saharawis as refugees in a land not their own.

The tragedy of Western Sahara is that this 30-year-long dispute has denied the universal right to freedom and democracy to thousands of Saharawis. The world has seen some of the most dedicated negotiators abandon their efforts to find a solution in frustration over lack of progress. Six hundred million dollars has been spent by the UN Peacekeeping Mission in Western Sahara, MINURSO, in an attempt to hold the long promised referendum. Thousands of Saharawis have raised their children in desert camps outside of Tindouf in the western region of Algeria, far from home their homes in Western Sahara. Thousands of Saharawis still have no information about their fathers, brothers, and spouses who fought in the liberation war against Morocco, and soldiers on both sides have terrible stories of the tragedy of war and its bitter aftermath.

If there is hope, it lies in the agreements and confidence building measures the Moroccans and Polisario have successfully negotiated. Both parties signed and have abided by, with some exceptions, the cease-fire agreement of 1991. This past summer, the Polisario released all 404 remaining Moroccan POWs. Family visits, telephone calls and personal mail service by Saharawis have been under way since March 2004. Agreement among the parties has reunited more than 1,200 people from the refugee camps in Algeria and Western Sahara for exchanges in which family members saw one another for the first time in 30 years. Recently, the Polisario announced that it would support the destruction of anti-personnel mines in Western Sahara, further committing itself to the cease-fire helping to insure the region will remain stable.

The 1975 ruling by the International Court of Justice was clear on this issue of Saharawi self-determination: Moroccan claims to the territory are without merit, and the Saharawi people have the right to decide whether they want to join the ranks of independent African nations. Yet so far, the ruling has not been implemented despite passionate pledges of support, a tremendous amount of resources spent by the international community, and the blood, sweat and tears of both Saharawis and Moroccans.

Morocco is one of America's longest-standing allies. Our relations with Morocco are separate from the issue of self-determination for the Saharawis. U.S. support for a referendum on Western Sahara does not mean our relationship with Morocco has changed. Rather, this support is an expression of our conviction that international law and the right of people to be free must be upheld.

Today's hearing by the Subcommittee on Africa, Global Human Rights and International Operations will focus on why efforts to bring about a referendum have consistently been postponed over the years. This hearing also will examine the state of human rights in Western Sahara territory now governed by Morocco and the question of the international community's continuing involvement in the effort to resolve the dispute over Western Sahara sovereignty. I look forward to the testimony of all of our witnesses to learn how Congress can help the parties finally reach a just, lasting and mutually acceptable solution.

Mr. PAYNE. Thank you, Mr. Chairman and let me also extend our apology to those who came for the hearing, but as you could see, votes interrupted the hearing and we were delayed by the hearing of the Western Hemisphere Subcommittee, but we are pleased that so many people are here to attend this very important hearing, and I commend the Chairman for bringing this together.

I think that the resolution of this problem is long overdue. It is certainly time, as the title of the hearing suggests, to resolve the 30-year conflict over Western Sahara. The only way to do so is to hold the referendum to allow the Sahrawi people to determine their own future.

First I want to thank Mr. Toby Shelley from the *Financial Times* in London for coming all the way from London to testify today before this Committee.

We greatly appreciate the trip and your writings and work on the issue of the Western Sahara and understand that you need to leave at 4 o'clock, and I know that the Chairman will accommodate your schedule, but we really appreciate your taking the time and the commitment to come here to testify and then have to turn around and leave to go back to London.

As you know, Mr. Chairman, this issue is one that I have been following for some years and I have worked closely with my good friend and our colleague from Pennsylvania, Mr. Pitts, as we co-chaired the caucus on Western Sahara, and I would like to commend Mr. Pitts for his longstanding commitment to this issue, representing the question before us extremely well.

I know that Senator Inhofe and Mr. Diaz-Balart have also followed this issue closely.

The last remaining colony in Africa, Western Sahara, remains one of the longest-running conflicts, and I think we as the United States have a great deal of responsibility to pressure our close ally, Morocco, to agree to allow referendum to be held.

If the Sahrawi people want their country to be integrated into Morocco, then that is what they will choose and should be allowed to express themselves in fair transparent elections without areas having people who are not true Western Saharans being integrated into the vote.

I think that the people of Western Sahara can determine what they want to do and that is what we believe should happen, but we must provide the leadership as the United States to respect and uphold the rights of self-determination, or we are hypocrites in this endeavor.

We cannot say we want democracy in Iraq and Afghanistan and allow the people to be free of tyranny and oppression and terror, but not allow the people of Western Sahara the same right.

In my opinion, the International Court of Justices' ruling in 1975 that Morocco has no claim to the territory of Western Sahara should be respected by the international community.

However, I understand we are at a point where the issue has been taken up at the United Nations for years on how to handle it. First, former Secretary of State James Baker, a very outstanding American diplomat, was appointed by Secretary-General Kofi Annan, and he tried several proposals. As we know, all failed because the parties did not agree at the same time on the same issues.

I welcome the naming of the new special envoy this past summer and hope that he will put forth a new plan, which calls for a referendum to be had immediately.

I have serious concerns, Mr. Chairman, about the increasing repression and violence being carried out against the Sahrawi people by the Moroccan officials in the occupied territory of Laayoune. It is a clear clamp-down against human rights defenders in Western Sahara and I call for immediate investigation into these activities.

Since late 2005, there have been peaceful protests and an uprising in areas of Western Sahara under Morocco's control. Thirty-seven Sahrawi political prisoners are in jail as a result of these demonstrations, among them Mrs. Inenta Tu Agar, Mr. Sagu and others.

I condemn in the strongest manner the death of a young Sahrawi who was a peaceful demonstrator, Mr. Lembarki, and the imprisonment of a human rights activist, Mr. Dahan, for meeting with American officials from the U.S. Embassy in Raban.

These kind of activities are unacceptable and I call on the State Department to immediately take action against Moroccan response to these actions.

It is simply unacceptable and we must be clear that whether the country in question is a United States ally or not, this repression and abuse will not be tolerated.

I am well aware that Morocco holds up its longstanding history with the United States, since the 1700s, being the first country to recognize the United States as an independent country. But this relationship also has a checkered past. The United States used Mo-

rocco to prop up the brutal dictator, Mabuto, in Congo during the Cold War, which then became Zvere.

Then Morocco gave refuge to Mabuto in 1997 as he fled Zvere, due to a popular revolt taking place, and never was called to stand before the International Criminal Court.

Morocco is also known for propping up dictators in Gabon and Equatorial Guinea as well. So we have to set the proper example to our allies and encourage them, that the right behavior will only be accepted by the United States of America, not what is currently taking place or what our relationship is from the past.

Lastly, I want to welcome the former prisoner of war, the Lieutenant, to the Committee. I am sure you are happy to be home finally. You suffered terrible conditions over the years and I wish you and the other recently released POW's all the best.

Mr. Chairman, I think that while this is certainly an issue that is thankfully resolved, there still remains many unresolved cases concerning Sahrawi people.

According to Amnesty International, several hundred people disappeared after the arrest between the mid 1960s and the early 1990s and they still remain unaccounted for.

Also several people who were in a position of authority in the Polisario camps, when serious human rights abuses including torture were widespread, particularly during the late 1970s and throughout the 1980s, now occupy positions of authority in the Moroccan civil administration. This is based on information Amnesty International has been privy to.

We look forward to, and will look into, and urge respect for human rights on both sides of the issue, and let me just conclude by saying that we have seen other areas where there is inaction in West Papua, when the Dutch left Indonesia, moved in and said, "This is a part of our country." And today that country still is under the occupation of Indonesia and we should have hearings about that.

East Timor was attempted once Spain left, Indonesia once again moved in and said, "This was a part of Indonesia." However, in that instance the UN, led by Australia and New Zealand, prevented East Timor from being annexed into Indonesia.

This is nothing new, what we see from Morocco and Western Sahara. Southwest Africa, taken away from Italy during World War II, was given a protectorate of South Africa. They said that Southwest Africa was a part of South Africa in the old days, but the people were allowed to vote and they voted to create Namibia, which then separated itself from South Africa and became an independent country.

Ethiopia had the vote in 1962 about Iatrea when Iatrea also was taken away from Italy. Namibia was taken away from Germany, not Italy, and from Southwest Africa. That was German territory, became Namibia, but Ethiopia Iatrea was under the Italians and after World War II, Ethiopia became the protectorate and the vote in 1962 occurred. Iatrea would have separated, as it was an independent country, from Ethiopia and today, where we have had a war 2 or 3 years ago between Ethiopia and Iatrea, 100,000 people died and they are on the brink of war again, Ethiopia and Iatrea,

once again because we did not act right in 1962 when this should have been resolved.

So we hope that we do not see the tragic conclusions as we have seen in some countries, but hope that we would have positive results, as we have seen in Namibia and East Timor.

Thank you. I look forward to the witnesses.

Mr. SMITH. Thank you.

Chairman Royce.

Mr. ROYCE. Thank you very much, Mr. Chairman. This referendum was supposed to be held 14 years ago. It was supposed to be held in January 1992.

When I was Chairman of the Africa Subcommittee, I held a hearing on this issue in 2000 and at that hearing I said, "We cannot afford to support interminable missions with unachievable mandates."

I will just point out to Secretary Gray, you point out in your written testimony that you have given us that there has been little movement toward resolving the dispute since the State Department last testified in 2000. That is very unfortunate, but it is also quite true.

We are still spinning our wheels. You also write in that written testimony that the United Nations remains the appropriate venue for resolving the dispute and we have every confidence in its ability to do so.

I am sorry. I know that the Administration is speaking here, not you, but to report that there is every confidence in the UN resolving this issue cannot be defended. Not to the people of Western Sahara nor to the Congress, which funds MINURSO.

At the 2000 hearing, I suggested that it would be helpful if responsibility for stonewalling could be ascribed to one of the parties. We need accountability, if pressure is to be brought to bear to resolve this.

You call the Baker Peace Plan an optimal solution. The plan was accepted by the Polisario and the Algerian Government and rejected by Morocco, as you noted.

The question then would be: Is it proper to conclude that Morocco, the party that rejected the optimal solution, bears the greatest responsibility for this stalemate? And is the responsible course of action to get them to the table to resolve this dispute?

That would just conclude my opening statement and I look forward to the testimony of Secretary Gray.

Mr. SMITH. Thank you very much.

Ambassador Watson.

Ms. WATSON. Thank you, Mr. Chairman. This hearing concerns a war that has just gone on far too long, so long that it is difficult to put a finger on when it actually started.

Some might date the beginning of this conflict in 1975, when Spain relinquished control of the Western Sahara. Others might cite 1884, when the Spanish Government took control of the Western Sahara. Ultimately, however, the roots of this conflict are a relic of a long legacy of exploitation that Africans are still confronting.

How this dispute is resolved will demonstrate how much progress Africans have made in their efforts to control their own destinies.

Morocco is a valued ally of the United States and I have been heartened to see evidence of progress within Morocco on human rights and democratic freedoms. However, Morocco still does not meet the standard of a free society.

Reports from Amnesty International and other groups show that the Moroccan Government is still denying its people basic political rights including the imprisonment of peaceful human rights activists and the use of torture.

One of the most notable human rights violations by the Moroccan Government has been its attempts to silence debate on the issue of how to resolve the Western Sahara dispute.

I find this particularly troubling. It is difficult to portray the Moroccan Government as an active participant in the search for a solution in Western Sahara when they are not willing to permit public debate on the subject.

Moreover, it is difficult to trust that the Moroccan Government wants to fully embrace the people of Western Sahara in a fully functioning democracy when it seeks to deny those same people a role in Morocco's political dialogue.

I want to thank you again, Mr. Chairman, and I look forward to hearing from our witnesses as to how we can work with our ally, the Government of Morocco, to both speed up their progress on human rights and democratic reforms and bring them closer to agreeing to a peaceful solution to the Western Sahara dispute. I thank you, Mr. Chairman, and yield back.

Mr. SMITH. Ambassador, thank you very much.

We are going to break with usual protocol, but Members will have an opportunity to make opening statements. We have with us Jim Inhofe, a Senator, who has been very active on the issue of African humanitarian and human rights issues for a very long time, but also has been to the Sahrawi refugee camps in the Algerian desert.

Senator Inhofe, you will be recognized and then we will go back to Members for their opening statements. Please proceed.

**STATEMENT OF THE HONORABLE JAMES INHOFE, A U.S.
SENATOR FROM THE STATE OF OKLAHOMA**

Mr. INHOFE. Thank you, Mr. Chairman. I will be brief and I have been told that the other witness has to catch a plane or something, so I won't take much time.

I want to share a couple of thoughts that are different from any of the other witnesses here. I have probably been to Africa more than any other Member certainly in the history of the Senate.

As Mr. Boozman knows and as the Chairman knows, I have had a mission there for many years. It is more of a Jesus thing, but I have spent a lot of time in Africa.

I have intimately gotten to know over one-half of the Presidents and the Members of Parliament on the entire continent and most of that is sub-Saharan Africa, but I am familiar with the sensitivity of what is going on.

I know the history. It would serve no use or purpose for me to go ahead and repeat it. I am sure many in the opening remarks have already done that.

There are people out there, about 175,000 people, and they want something that really is outrageous and that is the right to life and the right to self-determination. I had a chance to be there and have met with the President. I have met with the hospitals and the schools. I have met with large groups and small groups, all in tents out in the middle of the desert, and I would encourage any Member in this Committee to do the same thing.

I will say one thing. There is one hero in this and that is Jim Baker. Jim Baker has gone through the most frustrating 10-year period of his life, having done everything that he can over there. He was an envoy for the United Nations there. He came up with many, many plans and I just think the world of him.

I have had many conversations with him thinking, you know, what can be done to change what seems to be an obvious outcome?

Let me read to you just a minute, Mr. Chairman, a couple of statements from him and this will avoid spending more time on Mr. Baker.

He said, and this was on a Wide Angle show, a PBS show in 2004, he said:

“I ended up being the Personal Envoy of Secretary-General for 7 years. During that time, I convened 14 formal meetings of the parties on three continents and of course what we were seeking to do was to find a political solution, if we could, that would provide for self-determination, as the UN Security Council Resolutions required, and to give these people at least a shot at self-determination.

When he concluded, he said:

“Well I have done everything in the world that I can do. I can’t do anything more in 7 years, so I thought, maybe let us let someone else have a shot at this. I certainly know this, I gave it my best and I tried everything that I knew.”

That was Jim Baker. He did. He gave it his best and he tried everything that he knew.

Let me first of all say that I have nothing against Morocco. I have a great deal of respect for Morocco. I have been to Morocco several times. They are our allies. They are helping us in Iraq and they are our friends.

I just simply disagree with them on this issue and in reviewing some of the history, I put together what I call, Mr. Chairman, the Ten Diplomatic Transgressions of Morocco.

Let me real quickly, I would like to have you take some notes of this, because this shows there is a lesson to be learned here and we can predict something that is going to happen in the future by paying attention to this.

The first diplomatic transgression took place in 1973, in July. In July 1973, Algeria, Morocco, and Mauritania called for self-determination. Thirteen months later, August 20, 1974, Morocco drops the self-determination from the agreement. First they agreed. Then they disagreed.

The second diplomatic transgression took place on December 13, 1974, when Morocco requested the International Court of Justice advisory opinion. Now the implication here was that we will have

the advisory opinion and we would comply with it. I mean if they are requesting it, that would be natural. One year later, they stated that they would not comply with it and then the Green March, that you all know about, took place. First they agreed and then they disagreed.

The third of the diplomatic transgressions took place on October 23, 1985. Morocco offers a cease-fire and referendum under UN auspices. Everyone celebrated and that was in the headlines in this country and elsewhere. Then 16 days later, November 12, 1985, they withdrew their offer of a referendum—16 days later. First they agreed. Then they disagreed.

Number four took place in 1989, January 4 and 5. They said that they would meet for discussions with the Polisario and 9 months later, on September 21, 1989, they said there is no need for any further discussion. First they agreed. Then they disagreed.

Diplomatic transgression number five took place in September 1997. The Houston Accords. We all had hope in the Houston Accords. A lot of time was spent and they went over this and all of a sudden they said, "All right." They agreed to the process to identify voters to hold a referendum and 4 months later, Baker received strong evidence that Morocco was giving assistance to enable illegitimate voters. First they had agreed to it. Secondly, they disagreed.

The sixth one took place in late 1998. This is when Baker made the secret trips to Morocco that we have heard about and at that time, he went for confirmation that the Moroccans still support a referendum. Morocco confirms in the late summer of 1998 that they would do that and then again in the spring of 1999, 6 months after, they said that they would not accept it. Again first they would accept it and then they wouldn't.

May 1999, Morocco accepts the identification protocols. Everyone thought this was going to work, because the main problem that they had in getting this done was determining who was going to be voting and what kind of referendum would take place. Then December, 7 months later, December 1999, they broke the protocols.

The eighth took place on October 28, 2000. This is one in Berlin where Morocco said it was willing to have a sincere and frank dialogue and then shortly after that, they agreed not to do that.

The next to the last one, the ninth, took place on June 2001, when Morocco accepted the framework agreement. This was an exciting time, Mr. Chairman, because it looked like this time it was going to work. Four months later, October 2001, Morocco informs Baker that they reject the framework. First they are for it.

The last diplomatic transgression that I will bore you with took place in 2003, in January, when James Baker announced the new Baker Plan and Morocco would consider it and then about 2 months later, they said they are not going to consider it.

Now you know it reminds me, Mr. Chairman, I don't go to many movies. The last movie I went to in a theater was *Dr. Zhivago*, but I have seen many on airplanes going across the ocean, as Mr. Boozman knows, I have watched a few. I remember one that I saw fairly recently that is called *Runaway Bride*. It had Julia Roberts and somebody named Gere. You go to movies. You know who I mean.

Anyway, *Runaway Bride*. They talked about how she would lead him to the altar and then at the very last moment, she would run away. Get on her horse and she was out of there.

I really think that Morocco is the “Runaway Bride.” I see that 10 times they have been to the altar and then they have had to retreat.

So let me just say there is somebody else working here, this is something that I am not supposed to say and we are not supposed to say certain things around here, we are supposed to be nice. I believe in lobbyists. I think they have a very good place, and I am glad that they are out there working. It is a methodology that works in our system, that allows people to get their message out. But in this case, virtually all of the high-priced lobbyists are on behalf of Morocco.

I have a list here and they are good friends of mine. The Livingston Group. I have served with Bob Livingston. I love the guy. But he is high-priced and we all know that. They are representing Morocco.

Also representing Morocco are Tew Cardenas and Edelman Public Relations, with Mike Dever. There is no one that I respect more than him, but he is pretty high-priced. He is doing it.

Also Miller and Chevalier, I know them very well. Gabriel and Company. Robert Holley. The Whiton Case. All of these represent millions and millions of dollars that are spent to lobby on behalf of Morocco.

Who is supporting those 175,000 people out in the tents in the desert? Me. Not exactly just me, because you also have Joe Pitts, the United Nations, and the African Union. You have all the surrounding countries: Mauritania, Algeria, and the rest of them. But by and large, that is it. The money is just not there.

I would just say this. I would ask you, my colleagues, those who are serving here, not to form any firm opinions until you have actually been out there and stood in a tent with 300 people representing 175,000 people who only want one thing, and that is to go home.

Thank you, Mr. Chairman.

[The prepared statement of Mr. Inhofe follows:]

PREPARED STATEMENT OF THE HONORABLE JAMES INHOFE, A U.S. SENATOR FROM
THE STATE OF OKLAHOMA

Introduction

Today, we are here to discuss the plight of a group of people who have languished in the desert for more than 30 years—the people of Western Sahara. Theirs is a story of determination, persistence, and hope that one day they will enjoy the basic rights all humans deserve—the right to life and to self-determination. It is my hope that this hearing will help them realize this fundamental right.

Background

In order for us to have a better understanding of the current situation, it is helpful to know the history of the Saharans. Before Spain colonized Western Sahara in 1884, the people who inhabited the land enjoyed a nomadic lifestyle. Western Sahara was populated by a number of unconnected and autonomous tribes which were not under any particular authority, particularly Moroccan sultans or Mauritanian emirs. Although there was occasional trade between the region and Europe as early as 4 B.C., European contact with Western Sahara was infrequent.

From 1884 until the early 1970s, Western Sahara was under Spanish rule. The boundaries for the colony were created through three agreements between France

and Spain at the beginning of the 20th century. Beginning around 1957, however, the Saharans began to fight for independence.

Their plight gained international attention when the United Nations (UN) became briefly involved in the conflict in December, 1966, by passing a Resolution that ultimately failed to accomplish its purpose of urging Spain to grant the Saharans the right to self-determination.

In the mid-1970s, Spain made plans to withdraw from Western Sahara, with the intent to hold a referendum to create an independent state, which Algeria strongly supported. However, Morocco and Mauritania opposed this proposal and each attempted to claim the territory for itself.

I would like to note here that according to a recent CRS report, although the claims made by Morocco and Mauritania appeared on the surface to be founded on previous conquests, there is evidence that they were actually interested in Western Sahara's valuable natural resources including phosphate, fishing grounds and oil reserves off the coast.

Morocco, through the UN, then asked the International Court of Justice (ICJ) to decide who had rights to the territory and on October 12, 1975, the ICJ ruled that the Saharan people had the right to self determination. Following this decision, on November 6, of that same year, Morocco showed its true intentions with the now infamous "Green March", where King Hassan II led 350,000 Moroccans into Western Sahara to lay claim to the land. During this time, about 160,000 Saharans fled to refugee camps in nearby Algeria and Mauritania, and the Popular Front for the Liberation of Saqiat al Hamra and Rio de Oro, or POLISARIO, formed by the Saharan people, fought against this invasion to defend their land.

Although Spain briefly interrupted the Green March, it officially pulled out of the region on November 16, 1975, and relented control to Moroccan and Mauritanian authorities. Meanwhile, in 1976, the POLISARIO founded its own government, the Sahrawi Arab Democratic Republic (SADR), and established its headquarters in the Sahara Desert in Tindouf, Algeria. Not long after, Mauritania followed Spain's lead and completely withdrew from the region in August 1979, signing a peace treaty with the POLISARIO.

Morocco quickly moved into the area formerly occupied by Mauritania and began to build a sand wall, or "berm", in the desert to create a barrier between Western Sahara and the Saharan refugees. Needless to say, this action of separation, along with other aggression by the Moroccans, was intolerable and a long, guerrilla-style war ensued until the UN intervened again in 1991.

Creation of MINURSO

In April, 1991, the UN created the United Nations Mission for the Organization of a Referendum in the Western Sahara (MINURSO), through UN Security Council Resolution 690. MINURSO's main purpose was to oversee a Settlement Plan by holding a referendum to offer the Saharans a choice between independence and integration into Morocco.

Voting Process

MINURSO began to register voters, but a conflict soon arose over how to identify those people who were truly Saharan. The POLISARIO said that the 74,000 people who had been counted in a census conducted by Spain in 1974, had the right to vote in the referendum, while Morocco claimed that there were thousands more who had not been counted in the Census and had fled Morocco previously, also had a legitimate right to vote.

However, it is obvious to see why Morocco would have a vested interest in ensuring that these additional people participated in the vote. In doing so, Morocco would ensure people voting against an independent state, therefore retaining the territory.

Baker Appointed as Personal Envoy

UN Secretary-General Kofi Annan then appointed former Secretary of State James Baker as his Personal Envoy to end the stalemate. The UN Security Council, Algeria and the POLISARIO welcomed the appointment, while Morocco offered a tepid response.

The Secretary-General could not have picked a better negotiator—Baker is one of the most qualified people to accomplish this task. He served under three US Presidents in high level government positions. He was Undersecretary of Commerce for President Ford, White House Chief of Staff and Treasury Secretary for President Reagan, and Secretary of State for George H. W. Bush. He has a background in law and has received many notable awards for his outstanding public service including the Presidential Medal of Freedom and the Department of State's Distinguished Service Award. Not only was he Special Envoy for the UN for Western Sahara, he

was also appointed as President George W. Bush's Special Presidential Envoy on the issue of Iraqi debt.

Baker was tasked specifically to work out a deal asking Morocco to give Western Sahara more autonomy than it had allowed other regions within the country. Through a referendum, the POLISARIO would then be granted special status and would agree that Western Sahara would be part of Morocco. What follows is an account of Baker's negotiations with all parties involved. I want to note he set out to negotiate autonomy for Saharans within Morocco, but after realizing Morocco was an unwilling participant, he ended up supporting independence for Saharans.

Baker's Negotiations

Baker asked the Department of Political Affairs (DPA) to prepare, in consultation with the UN Department of Peacekeeping Operations (DPKO), a plan to address the conflict. The report made the following four options: (a) remain with the Settlement Plan and move ahead with its implementation; (b) put the Plan aside and seek a "third solution"; (c) seek a "third solution" while keeping the Plan; (d) disengage until the time was "ripe".

The Settlement Plan's core principle was self-determination and that both parties had recognized the Secretary-General as having exclusive responsibility for its implementation. Even if the Plan could not stand on its own, resulting in a "win all/lose all" situation without provisions for the post referendum period, the Secretary-General could not dismiss it; it would be up to the parties involved.

Baker first visited the region in April, 1997, meeting with King Hassan II, POLISARIO Secretary-General Abdelaziz, and the Algerian government. In his meetings, he advised Morocco to not say it supported the Settlement Plan if it did not intend to follow through with it. However, the King insisted on moving forward with the Plan.

Baker continued talks with Morocco, Algeria and Mauritania throughout 1997. It again became clear that identifying legitimate voters for the referendum was going to be a key sticking point. Furthermore, it also became apparent that the UN was not willing to give strong backing to Baker's negotiations, especially when it seemed his plans were going to give the Saharan's a fair chance to vote in the referendum.

In September 1997, Baker revealed a plan to re-initiate the voter registration process that had been stalled earlier. This process was completed in 1999 with more than 86,000 legitimate voters identified out of the almost 200,000 who appeared in front of the Identification Commission, the entity charged with officially identifying legitimate voters for the referendum. The Identification Commission then received 79,000 appeals among those found ineligible to vote.

After receiving these results, the Security Council realized that even if the referendum were held, there was no plan in place to enforce the outcome should the results be rejected by one of the parties. Further, the UN realized that effective implementation of the Settlement Plan would require the full cooperation of Morocco and the POLISARIO, and the support of Algeria and Mauritania, which would be difficult or impossible to obtain because Morocco and the POLISARIO would each cooperate only with an implementation process that would produce its desired outcome.

In May 2000, the Secretary-General then asked Baker to investigate alternative methods to achieve a resolution. Understandably, the POLISARIO was shocked at this move by the Secretary-General to abandon the Plan, as well as Morocco's success at persuading former POLISARIO officials, who had defected to Morocco, to join its side in the disagreement. Meetings that soon followed proved mostly unproductive, but at least Morocco accounted for 207 political detainees it held.

In 2001, Baker offered a compromise proposal for a Framework Agreement as a start to renewing negotiations. The plan would give the Saharans the right to elect executive and legislative representatives and maintain sole competency over: local governmental administration, territorial budget and taxation, law enforcement, internal security, social welfare, culture, education, commerce, transportation, agriculture, mining, fisheries and industry, environmental policy, housing and urban development, water and electricity, roads and other basic infrastructure to the population of Western Sahara.

The representatives would be elected by those voters identified as of December 1999, which would favor the POLISARIO and exclude Moroccan-supported appellants. However, Morocco would have sole competency over: foreign relations, national security and external defense, all matters relating to the production, sale, ownership or use of weapons or explosives and the preservation of the territorial integrity against secessionist attempts. The flag, currency, customs postal and telecommunication systems of Morocco would be the same for Western Sahara. Additionally, under this proposal, a one-year residency in Western Sahara would be the

only basis for voting eligibility. In Baker's opinion, the POLISARIO would be able to elect an acting leader to execute these functions during the five years before the vote for the referendum.

While Baker presented this newest proposal to Algerian and POLISARIO officials, he also informally offered a plan that would create a corridor from Algeria's western border, (west of Tindouf), extending to the Atlantic Ocean which could be used by Algeria, Morocco and Western Sahara. This newest plan was Baker's attempt at an alternative solution after ten years of attempting to achieve the Settlement Plan had failed.

Despite opposition by Algeria and the POLISARIO to the proposal by interpreting it to ultimately be a move for integration of Western Sahara into Morocco, they, along with Mauritania, indicated to Baker that they desired to continue to work to reach a solution.

Algeria, in conjunction with the POLISARIO, offered to discuss dividing the territory of Western Sahara as a solution to the dispute. Morocco expressed that they would not even consider this.

The Secretary-General's Options

Arriving again at a seeming impasse, in 2002, the Secretary-General proposed four options to the UN:

- 1.) Implement the Settlement Plan to hold a referendum without the parties' consensus
- 2.) Allow Western Sahara to have partial autonomy under Morocco—the Framework Agreement Plan
- 3.) Divide the Territory
- 4.) Abandon MINURSO, recognizing that it had spent more than 11 years and almost half a billion dollars at that point without a resolution, and pull out entirely

Because Morocco, Algeria and the POLISARIO could not agree to any of the same options in this proposal, Baker then tried a new approach to the situation.

The Baker Peace Plan

In early 2003, Baker proposed the "Peace Plan for Self-determination for the People of Western Sahara" as the new solution. His intent was to deliver a proposal that in his words, "no reasonable person would turn down".

While Morocco would be responsible for issues pertaining to the responsibilities of a state, the Peace Plan all but ensured that the Western Sahara Authority would have complete and exclusive responsibility for the day-to-day governance of the Territory. The new plan differed from the previous ones in the following key areas:

- 1.) It restricted the electoral body for elections for the Executive and Legislature during the period of self-government to those appearing in the UN provisional voter list and those in the UN High Commissioner for Refugees (UNHCR) repatriation list.
- 2.) There would be a single election for the Executive and Legislature by the same electoral body.
- 3.) The judicial authorities in the Territory would be appointed by the Executive and Legislature without reference to Morocco.
- 4.) Most significantly, the electoral body for the referendum for the final status of the Territory would be composed of those in the voter list mentioned above, plus those who could prove continuous residence in the Territory since 30 December 1999 (date of completion of the UN identification process).
- 5.) The Peace Plan included the questions on the ballot for the final referendum.

Baker arranged the new Peace Plan so that the Saharans could win the first elections and maintain governing power, while Morocco's controlling power would be restricted in the Territory. One of the things that made this Plan unique is its requirement for all four parties: Algeria, Morocco, Mauritania, and the POLISARIO, along with the UN, to agree to it in order for it to be valid.

However, after introducing this new Plan, Baker met with Morocco and admitted that they had an increased chance of winning the referendum this time because, according to the UN, the voters on each side would be evenly divided. Moreover, the new Peace Plan would not confer sovereignty over Western Sahara to Morocco and would limit Morocco's powers in a way that previous plans did not. Morocco would

not be able to block the referendum and, after a four-year transitional period, the POLISARIO, depending on its performance, could win the referendum.

The Response

As expected, Morocco wanted time to study the Plan, but reiterated its desire for its sovereignty and territorial integrity. When it offered its official response, it reiterated its entitlement to sovereignty rights over Western Sahara noting the “country’s southern provinces” and the shortfalls of the Settlement Plan. However, Morocco did not acknowledge its own responsibility in the inability by the UN to implement the Settlement Plan. In reality, Morocco’s true concern was that there was still an option for independence within the Plan. Morocco wanted Baker to re-establish the Framework Agreement, where Saharans would have autonomy, but under a Moroccan state. The POLISARIO, on the other hand, officially accepted the Plan on July 6, 2003. Algeria and Mauritania accepted too.

From May to July, 2003, Morocco actively lobbied against the Baker Plan, insisting that it should be renegotiated, mainly because of the option for Saharan independence, as well as autonomy. Morocco even wrote to the Secretary-General saying that the Peace Plan complicated the situation in Western Sahara through its proposals for the transitional period, among other things.

This is simply not true. Even after Baker admitted to Morocco that they had an increased chance of winning the referendum because the voters would be evenly divided, they rejected the Plan. Even after a fifteen to zero vote in the UN for the Plan, they rejected it. Morocco continued to offer its own solutions to the conflict, but these solutions were weak, and clearly gave Morocco the advantage by offering “autonomy within the framework of Moroccan sovereignty.” Meaning, no true statehood for Saharans; they would always be ultimately under Moroccan rule. This is not true freedom, and, I venture to say, would result in continued oppression of the Saharan people.

Baker Resigns

On June 1, 2004, James Baker resigned his post as Personal Envoy to the Secretary-General. The POLISARIO was saddened by this news; while Morocco expressed its delight calling Baker’s resignation, “a triumph of Moroccan diplomacy.” This statement could not be more insulting to Baker, the POLISARIO, and all people who love freedom. It is clear that Morocco never truly wanted a fair resolution; rather one that allowed it to maintain control of Western Sahara.

Conclusion

Western Sahara will remain on the UN agenda for many years to come. Already, the UN has sought a resolution for the past 14 years and has spent over 600 million dollars. Some say that the only real way to reach a solution is for relations between Algeria and Morocco to improve. While this may be true, the real fact is that Morocco must be willing to agree to make a compromise in its position. So far, it is not.

Like Baker, I believe Morocco, along with its supporters in the UN and elsewhere, must see that it is in its long-term best interest to resolve the conflict and obtain international legitimacy, rather than feed its hope that it will get what it wants by merely talking of compromise without truly giving anything up.

Morocco must also relinquish its continued violation of human rights by treating the Saharans living in the Territory with the dignity and respect all people deserve. Recent reports state that Moroccan authorities have beaten, arrested and even killed peaceful protestors in the Territory. I call on Morocco to stop this reported injustice immediately.

The Saharans are not refugees because they enjoy it; they are refugees because their homeland has been taken from them and they believe that, with the help of people like you and me, they will return to their homeland; but only if they are granted the right to self-determination.

Mr. SMITH. Senator Inhofe, thank you so very much for your testimony.

We are now joined by Congressman Lincoln Diaz-Balart, who is a co-founder of the Congressional Morocco Caucus, which he founded in 2003.

King Mohamed VI recently awarded him the Commander of the Quissam Alaouite Order of Morocco, along with Senator John McCain and Senator Richard Lugar.

This was given to these three individuals for their efforts to help with the release of the final 404 Moroccan prisoners of war, most of whom were held for more than 20 years, by the Polisario Front in southern Algeria.

Mr. Lincoln Diaz-Balart.

STATEMENT OF THE HONORABLE LINCOLN DIAZ-BALART, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF FLORIDA

Mr. DIAZ-BALART. Thank you. Thank you very much, Mr. Chairman and Ranking Member Payne, Distinguished Members of the Subcommittee. It is a pleasure to be here before you today and I commend you for focusing on an issue, an area of the world that really receives, I think, too little focus and attention in our country and in our Congress.

I remember, distinguished colleagues, when I was in college in 1975. I had lived for many years in Spain. I had attended high school there at the American School of Madrid.

Despite my youth, I was then, as I am today, a student as well as an opponent of colonialism and its evils. I remember November 1975. It was an extremely dramatic time.

Exactly 30 years ago, the Spanish dictator, Franco, was on his deathbed after 40 years as dictator. Most of Morocco had achieved its independence from France and from Spain in the decade of the 1950s, first from France, then from Spain. But the Western Sahara remained in Spanish colonialism's grasp. Morocco consistently claimed sovereignty over the Western Sahara over all those decades.

As a matter of fact, I remember in Spain the issue with regard to colonialism in Africa, the colonies that continued to be held by Spain were Spanish Equatorial Guinea and in Morocco. Those were the colonies that Spain continued to hold. To this day, by the way, Spain continues to hold, in Northern Africa, Ceuta and Melilla, two outposts of Spanish colonialism.

So throughout those decades, after reaching independence in the 1950s, Morocco continued to claim sovereignty over the Western Sahara. And then in November 1975, exactly 30 years ago, with Franco on his deathbed, King Hassan II led hundreds of thousands of Moroccans into the Western Sahara and without firing a shot, took possession of that part of Morocco that had for decades been forcefully held by the Spanish military regime.

The Green March, as it was known, was an extraordinary historic accomplishment. Now it wasn't until after the Green March, after Morocco had taken possession of the Western Sahara, that the Polisario Front proclaimed the so-called Sahrawi Arab Democratic Republic.

I think context is important when we consider any issue. I think it is important to remember when we deal with issues like this that Morocco, for example, is our oldest and most enduring ally. The relationship between Morocco and the United States has existed throughout the history of the United States. In December 1777, when the war was raging between the American Colonies and Britain, it was the Sultan Sidi Muhammed who boldly recognized our young and not-yet-free Republic, and that act of recognition was ce-

mented in the Treaty of Peace and Friendship between our two countries.

That document remains to this day as the oldest unbroken treaty in the history of the foreign relations of the United States.

The United States has had no better, nor more constant friend in the Maghreb, in North Africa, and in the Arab world than Morocco.

During the reign of King Hassan II, Morocco was a strong and vital supporter in the dangerous and prolonged struggle known as the Cold War and in the initially and very important, the critically important stages of the peace process between Israel and her neighbors.

We shouldn't overlook as well that Morocco continues to be a voice for moderation and democratic pluralism in the Muslim world. Morocco has carried out genuine democratic reforms and conducted free elections.

The Parliament is elected by the people directly and comprises every sort of political party, representing ideologies from the right to the left on the entire political spectrum.

In 2002, 35 female members were elected to Parliament and Parliamentary elections will be held in the fall of 2006 and again in the fall of 2007.

Today, under the leadership of King Muhammed VI, Morocco is providing key assistance in our common war against the forces of international terrorism.

Both our peoples have been victims of the scourge of cowardly attacks upon unarmed civilians, and I believe that both nations have answered the challenge of this difficult time with strong leadership and decisive action.

Now Mr. Chairman, I strongly believe that the United States Congress and the Government of the United States must be cognizant of and sensitive to the experience of Morocco regarding issues related to international terrorism.

I believe that Morocco's insistence upon its territorial integrity in the Western Sahara is critically important, not only for the national security of Morocco, but also for the security of the United States and of our European allies.

Many of our European allies understand this reality and have made it clear. Some in fact have changed their policy in recent years to reflect its viewpoint. I think the Members will know that I don't have necessarily much affinity nor agreement with the Socialist Government in Spain and yet that is one example of a government that has changed its position to reflect the reality that I have mentioned.

The issue of the Western Sahara obviously must be resolved. Morocco has reiterated that it agrees to continue to come to the table to try to find a reasonable solution to this problem.

Despite the effort of the United Nations and the international community, thousands of families continue to face hardship and suffering in refugee camps run by the Polisario Front in the Tindouf region of Algeria. Clearly it is time to find a solution.

The United Nations tried for 8 years and failed to find a way to bridge the differences between the parties. Both the Security Coun-

cil and the United States have been calling on Algeria and Morocco to enter into direct talks to find a way to resolve this problem.

I think that while we need to encourage these direct talks as a way to find a solution, again for the sake of context, we should keep in mind who is being dealt with when we talk about the Polisario Front. The Polisario has long maintained close relationships with Communist and dictatorial regimes throughout the world. The Polisario counts among its closest friends tyrants such as Castro and Ghadafi.

In fact, the Polisario Front continues to enjoy a long and unapologetic military relationship with the Cuban dictatorship that has helped to arm and train the Polisario army from the very beginning, armed them to fight against one of the United States' longest and most steadfast allies, Morocco.

I have recently met with two groups of people from the region who have given me firsthand accounts of the Polisario's fundamental lack of respect for human rights and international law.

The first group was comprised of former Moroccan POW's who were held for more than 20 years in conditions that can only be called barbaric. It is with satisfaction that I learned that these prisoners have now been freed and have returned to their loved ones.

More recently I met with a number of Sahrawi young people who have been taken by the Polisario from their families at a young age and shipped off for decades-long indoctrination in Libya or Cuba. Unlike with the POW's, that issue remains unresolved.

Thousands of young people are in indoctrination schools in Cuba at this very moment, separated from their families and subjected to vile forms of anti-American indoctrination. The tragic histories of these young people, forced to live away from their loved ones, in many ways compares with the grotesque abuse that was suffered by the Moroccan POW's.

I understand that the representatives from both of those groups that I have mentioned are here today. I would hope that Members of the Subcommittee would have the opportunity to hear firsthand, as I have, about their sad experiences.

Again Mr. Chairman, Ranking Member Payne, as I commend this Subcommittee for convening a hearing on this subject, I would urge you as well to hold a hearing on the Polisario's practice of forcibly separating families.

It is time for Morocco and Algeria to sit down and find a political solution to this issue. I recognize that win/lose answers will not succeed in this regard.

I believe that the concerns of all should be addressed by providing the inhabitants of the Western Sahara with a mechanism for genuine profound autonomy, with full respect of Morocco's sovereignty and territorial integrity.

I want to thank you, Mr. Chairman, for this opportunity and all of my other distinguished colleagues who have had the courtesy of listening to me today. Thank you very much.

[The prepared statement of Mr. Diaz-Balart follows:]

PREPARED STATEMENT OF THE HONORABLE LINCOLN DIAZ-BALART, A
REPRESENTATIVE IN CONGRESS FROM THE STATE OF FLORIDA

Chairman Smith, Ranking Member Payne, Members of the Subcommittee, it is a privilege to appear before you to testify about the very important problem in the Western Sahara.

I remember when I was in college in 1975. I had lived for many years in Spain and had attended high school at the American School of Madrid. Despite my youth, however, I was then, as I am today, a student as well as an opponent of colonialism and its evils. In November of 1975, exactly 30 years ago, the Spanish dictator, Franco, was on his deathbed after 40 years as dictator.

Most of Morocco had attained its independence from France and Spain in the decade of the 1950s, but the Western Sahara remained in Spanish colonialism's grasp. Morocco consistently claimed sovereignty over the Western Sahara for all those decades, but the Spanish regime would not yield. Then, in November 1975, with Franco on his deathbed, King Hassan II led hundreds of thousands of Moroccans, without firing a shot, into the Western Sahara and physically took possession of that part of Morocco that had for decades been forcefully held by the Spanish military regime. "The Green March," as it was called, was an extraordinary historic accomplishment.

It was not until after the "Green March," after Morocco had taken possession of the Western Sahara, that the "Polisario Front" proclaimed the so called "Sahrawi Arab Democratic Republic."

Context is important when we consider any important issue. I think it is important to remember that the Kingdom of Morocco is our oldest and most enduring ally. The relationship between Morocco and the United States of America has existed throughout the history of our country. In December of 1777, when war raged between the American Colonies and Britain, Sultan Sidi Mohammed boldly recognized our young and not yet free Republic. That magnanimous act of recognition was cemented in a Treaty of Peace and Friendship between our countries, ratified in July of 1787. And that enduring document remains the oldest unbroken treaty in the history of the foreign relations of the United States.

The United States has had no better nor more constant friend and ally in the Maghreb, in North Africa, and in the Arab World, than Morocco.

Morocco, during the reign of King Hassan II, was a strong and vital supporter in the dangerous and prolonged struggle known as "The Cold War," and in the initial and critically delicate stages of the peace process between Israel and its neighbors.

We should not overlook, as well, that Morocco continues to be a voice for moderation and democratic pluralism in the Muslim world. Morocco has carried out genuine democratic reforms and conducted free and fair elections. The Parliament is elected directly by the people and comprises every sort of political party, representing ideologies from the right to the left on the entire political spectrum. In the 2002 elections, 35 female members were elected to Parliament. Parliamentary elections will be held in the fall of 2006 and again in 2007.

And today, under the leadership of King Mohammed VI, Morocco is providing key assistance in our common war against the forces of international terrorism. Both our peoples have been victims of the scourge of cowardly attacks upon unarmed civilians, and I believe that both nations have answered the challenge of this difficult time with strong leadership and decisive action.

I strongly believe that the United States Congress and the United States Government must be cognizant of and sensitive to the experience of Morocco regarding issues related to international terrorism. I believe that Morocco's insistence upon its territorial integrity in the Western Sahara is critically important not only for the national security of Morocco, but also for the security of the United States and of our European allies. Many of our European allies understand this reality and have made it clear. Some, in fact, have changed their policy in recent years to reflect this viewpoint; the current Spanish government, being one important example.

The issue of the Western Sahara must be resolved, and Morocco has reiterated that it agrees to continue to come to the table in an effort to find a reasonable solution to this problem. Despite the efforts of the United Nations and the international community, thousands of families continue to face hardship and suffering in refugee camps run by the "Polisario Front" in the Tindouf region of Algeria. Clearly, it is time to find a solution.

The United Nations tried for eight years and failed to find a way to bridge the differences between the parties. Both the Security Council and the United States have been calling on Algeria and Morocco to enter into direct talks to find a way to resolve this problem.

While we need to encourage these direct talks as a way to find a solution, again, for the sake of context, we should keep in mind who is being dealt with when we talk about the "Polisario Front". The "Polisario" has long maintained close relationships with communist and dictatorial regimes throughout the world. The "Polisario" counts among its closest friends the tyrants Fidel Castro and Maummar Gadaffi.

In fact, the "Polisario Front" continues to enjoy a long and unapologetic military relationship with the Cuban dictatorship, that has helped to arm and train the "Polisario" army from the very beginning: armed them to fight against one of the United States' longest and most steadfast allies, Morocco.

I have met recently with two groups of people from the region who have given me first hand accounts of the "Polisario's" fundamental lack of respect for human rights and international law. The first group was comprised of former Moroccan POWs who were held for more than 20 years in conditions that can only be called barbaric.

It is with satisfaction that I learned that these prisoners have now been freed and have returned to their loved ones.

More recently I met with a number of Sahraoui young people who had been taken by the "Polisario" from their families at a young age and shipped off for decades-long indoctrination in Libya or Cuba. Unlike with the POWs, this issue remains unresolved. Thousands of young people are in indoctrination schools in Cuba at this very moment, separated from their families and subjected to vile forms of anti-American indoctrination. The tragic histories of these young people, forced to live away from their loved ones, in many ways compares with the grotesque abuse that was suffered by the Moroccan POWs.

I understand that representatives of both of the groups I have mentioned are here with us in this room today and I hope that members of the Subcommittee will have the opportunity to hear first hand, as I have, about their sad experiences.

As I commend this Subcommittee for convening a hearing on this subject, I would urge you as well to hold a hearing on the "Polisario's" practice of forcibly separating families.

It is time for Morocco and Algeria to sit down and find a political solution to this longstanding issue. I recognize that win/lose answers will not succeed in this regard. I believe that the concerns of all should be addressed by providing the inhabitants of the Western Sahara with a mechanism for genuine, profound autonomy, with full respect of Morocco's sovereignty and territorial integrity.

Thank you.

Mr. SMITH. Mr. Diaz-Balart, thank you so much for your statement and for the questions you have raised. This is one of those issues where men of the caliber like you and Senator Inhofe seem to have very profound differences, but the purpose of this hearing is to try to really, not only establish a more profoundly replete record with information that we need to know about, but also determine, where do we go from here?

The biggest issue is that I think this has stagnated for so long. I think many of us know what the issues are, but we always need, I think, refresher courses and maybe to augment that information, but where do we go from here? I think that is the question that we are going to be asking.

Your testimony and that of Senator Inhofe greatly aids us in that. So I want to thank you.

Mr. DIAZ-BALART. Thank you.

Mr. SMITH. The Chair recognizes Mr. Fortenberry.

Mr. FORTENBERRY. Thank you, Mr. Chairman, for holding this important hearing on what appears to be an intractable political challenge on a variety of levels, and while I hardly expect that we can resolve the protracted stalemate over Western Sahara in the next few hours, I trust that the testimonies of our distinguished witnesses and our colleagues here in the Congress today will help us begin to envision the next steps toward a viable solution.

I am proud to mention that the United States was able to play a vital role in releasing the 404 Moroccan soldiers who endured

brutal treatment by the Polisario and Algeria for up to two decades, and I hope that our successful intervention in that situation will lay the groundwork for further constructive United States initiatives toward Western Sahara.

With that said, I look forward to hearing the views of our witnesses today, Mr. Chairman, on the prospects and likely timetable for negotiating viable solutions for self-determination in the region. Thank you.

Mr. SMITH. Thank you, Mr. Fortenberry.

The Chair recognizes Mr. Sherman next.

Mr. SHERMAN. Thank you, Mr. Chairman. Those who criticize Morocco do so claiming that there have been diplomatic transgressions perhaps, but weigh diplomatic transgressions on the one hand with threatening terrorism on the other as the Polisario has done, not only against Moroccans, but also against Americans.

The Polisario does this on behalf of what I regard to be a relatively absurd stated objective, creating an independent country whose population would be far less than the population of my congressional district.

I realize that there are islands with small populations that may be members of the United Nations Security Council. After all, occasionally God has created territory not connected with any other territory.

But the most recent census, which I realize is 25 or 30 years old, showed a total population of the Western Sahara at 75,000 people. I know Algeria claims that there might be 175,000 from that region living in Algeria, but whether you take one figure or another or even add them together, we are talking about a total population well less than half a million.

Let me put that in my own personal context. My region of the city of Los Angeles didn't try to form its own country. We didn't try to form our own State. We tried to form our own independent city and were denied that opportunity, when we got a million and a half people and a GDP that I am sure is hundreds of times whatever could be achieved in the Western Sahara.

A decent accommodation with the world requires a group of people to occasionally understand that even—if and I don't know whether they do—but even if they want their own country, my district can't form its own country.

The General Assembly would be somewhat of a laughingstock if every group of 75,000 people or 100,000 people or 300,000 people on a continent could run up a flag and say, "We want our own seat in the General Assembly."

I think it is incumbent on the people of Western Sahara to pick a country and join it. They have historical ties with both Morocco and Mauritania. It is my understanding that Mauritania has indicated they do not wish to add any territory to their west.

The idea of creating an independent, even if there was an argument that somehow the people of Spanish Sahara, correction the former Spanish Sahara, now the Western Sahara or in the view of Morocco, the Southern Provinces of Morocco, even if these people somehow showed that they were not receiving fair treatment, they should be pushing for fair treatment from one of two countries to which they might belong.

Instead, we are told that they will threaten or engage in terrorist acts until such time as they are given the chance to create their own independent country, full membership in the UN General Assembly, et cetera. That is simply an absurd objective, at least until such time as we say that every group of people of 100,000 or 200,000 located on a continent can create their own country.

Finally, Morocco has been of substantial help to the United States. Whereas our colleague, the gentleman from Florida, pointed out the Polisario has allied itself with those who have sought to kill Americans, who have sought to wage war against our country and have sought to disrupt the world.

This is a stark contrast between one reasonable solution, which is that the Western Sahara be part of an adjoining country versus another which is that every group of a few hundred thousand people should have the right to establish their own membership in the UN General Assembly, and it is a choice between a group that espouses terrorism and allies itself with those who wage war on America versus a country that has sought to ally itself with America. I yield back.

Mr. SMITH. Thank you, Mr. Sherman.

Mr. PITTS. Thank you, Mr. Chairman, for allowing me to sit with you today, even though I am on leave from the Committee. And thank you for holding this important hearing.

It is high time that this conflict over Western Sahara be resolved so that the peoples of Western Sahara, Morocco, and Algeria can live their lives in peace.

Our own Nation was birthed and established on the right to self-determination and I strongly believe that the only way to bring a final resolution to this conflict is through the holding of a free, fair and transparent referendum for self-determination.

For over three decades now the lack of resolution to this conflict has caused extensive human suffering. It is time this conflict is resolved in order to end the suffering of hundreds of thousands of individuals and families, including the suffering of those who have lived in refugee camps since 1975.

I have personally visited the refugee camps in Tindouf. I have met with the delegations that have traveled to the United States. The stories of those who suffered, as a result of this conflict, all have the common theme: The people want this conflict to end; they want to be reunited with their families; they want to be allowed to rebuild their lives in peace.

In addition to the humanitarian side of the conflict, there are regional, global and national security issues. I and other Members of the Congress remain deeply concerned that a conflict between the parties, if left unresolved, has the potential to disrupt the peace and stability in the Maghreb region, thus threatening the interest of the peoples of that region and of the United States.

The Western Sahara conflict needs to be addressed urgently and fairly to the benefit of the peoples of the region. If this issue is resolved, as a result of peaceful action, it will provide a signal to the broader Middle East and North African region that there are successful alternatives to violence in the pursuit of national aspirations.

If this issue continues to linger and violence should break out anew, I shudder to think of the consequences for the people of that region and the entire world.

Mr. Chairman, article I of the International Covenant on Civil and Political Rights states that all peoples have the right to self-determination.

I have worked on the issue of Western Sahara since the beginning of my service in Congress. Again, I say it is time that there is a resolution to this conflict. Thank you again for holding this hearing and allowing me to participate. I look forward to hearing from our distinguished witnesses.

Mr. SMITH. Thank you very much, Mr. Pitts.

Ms. Lee?

Ms. LEE. Thank you, Mr. Chairman. I want to thank you and our Ranking Member for convening this very important and long-awaited hearing to discuss the over 30-year conflict in the Western Sahara.

The debate over who has claim to this land is complex and emotionally charged, as we have already heard today. The Kingdom of Morocco of course has asserted that they have always inhabited the land and today they have made significant efforts to develop and invest in the area in order to strengthen their claims to further develop and hold onto the land.

But at the same time, the Polisario are direct descendants and residents of the Western Sahara and have been fighting for the liberation of their land and countrymen for decades. Their appeal for self-determination is one that all people throughout the world can appreciate and empathize with.

It is a difficult debate, but definitely a debate that commands international attention. I think the most important action, Mr. Chairman, that can come out of this hearing today is that the United States Congress reassert our concern and support for a peaceful resolution.

I believe that part of that resolution to this conflict must involve a referendum and the referendum should allow the Sahrawi to decide their future. The Sahrawi people have that right to decide their future and their destiny.

Unlike many Africans during the 1960s and 1970s, in terms of the liberation movements, who fought and won independence from former colonial powers, the people of the Western Sahara were never able to enjoy their independence from Spain or decide on their own their political future, because of Morocco and Mauritania's claims to their land.

So Mr. Chairman, although we cannot turn back the clock, it is clear to me that what a vote by the Sahrawi people, that vote I think the referendum it is long overdue.

That said, I want to also credit the United Nations and the efforts of former Secretary of State James Baker for attempting to work with all parties to find a political solution.

It is unfortunate that the 2003 revised Baker Plan was not accepted by the Kingdom of Morocco, because I saw it as a fair approach at ending this conflict.

It is time to see and encourage all parties to come to the table and accept that political sacrifices will have to be made on both sides.

No one comes out a winner if everyone is bogged down in their own sense of righteousness, but I do believe that the Sahrawi people have a right to self-determination. They must decide their own future.

In the words of Endura Ghandi, I am reminded of what he said: "You can't shake hands with a clenched fist." Mr. Chairman, I look forward to this hearing and hopefully we can be a part of the solution that moves both parties toward a peaceful resolution.

Mr. SMITH. Thank you, Ms. Lee.

Mr. Tancredo.

Mr. TANCREDO. Thank you, Mr. Chairman. I certainly have the same kind of hopes for a resolution of the issue. I also recognize the fact that if we were able to actually devise such a solution here, we would all be eligible for the Nobel Prize.

As we have discussed, there has been an enormous amount of effort put into trying to figure out how to bring this thing to a point where both groups feel comfortable, with both sides of the issue feeling comfortable.

It is an elusive goal, to say the least and made more so by the fact that it puts us in a difficult position, the United States of America and Members of Congress, in a difficult position because on the one hand, we have, I believe, in the country of Morocco, a country and a government moving in absolutely the right direction and for the right reasons.

I think they are doing it because they believe strongly that this is the best thing they can do for the people of their country and that is to say moving in a direction that disavows the extremist positions taken by a lot of the folks in the same area of the world and is putting them on a path to democratic institutions that can be long lived and that is to be celebrated.

Everybody here I know feels an affinity for the Government of Morocco, for what they have been able to accomplish along these lines.

I also recognize, of course, that the people in the Western Sahara do not feel the same way of course in terms of the progress that is being made there, but it does seem to me that if Morocco wants to continue in the direction that it has started upon, in the direction we all laud them for, that part of that will be a recognition that there has to be a conclusion here, a successful conclusion to this debate and to this difference.

It does seem to me, and I certainly am interested in hearing from our witnesses how this can be accomplished, it does seem that the vote is perhaps the only way to do so.

If somebody out there has a better idea, believe me this is the time that we should be hearing from you, but I just want to say that it is an extremely uncomfortable situation I find myself in, because oftentimes we look at a government that we are befriending and we are doing it for the wrong reason, either because they are totalitarian dictatorship, but on the other hand we know who they are and they may be the devil, but it is the devil we know. That

is the State Department's motto that they have lived by for a long, long time.

In this case, I don't think it is that way. I mean I think it is a good government trying to do a good thing in Morocco, in terms of their direction.

So we are placed in a very difficult situation and I do hope and pray that it comes to a successful conclusion for all the people in Morocco, as soon as possible. I am looking forward to hearing the testimony. Thank you, Mr. Chairman.

Mr. SMITH. Mr. Tancredo, thank you very much.

Ms. McCollum.

Ms. MCCOLLUM. Mr. Chair, the hearing starting late, people have planes to catch and I am anxious to hear the testimony so I pass. Thank you.

Mr. SMITH. Thank you very much, Ms. McCollum.

Let me introduce our first witness, Gordon Gray, who is Deputy Assistant Secretary. First of all, let me thank Secretary Gray for his graciousness. We are breaking protocol again a little bit right now; we are going to ask Toby Shelley, who has a flight to catch back to London, who has worked as a journalist for over 20 years to speak.

Recent employment has included *Dow Jones Newswires* as regional energy news editor and the *Financial Times*. Mr. Shelley first visited the Sahrawi refugee camps in Algeria in 1988. In 2001, he was invited by the Moroccan Government to visit Western Sahara territory under its control.

His book, *Endgame in the Western Sahara*, was published in 2004. *Oil: Politics, Poverty and the Planet* was published this year.

He was most recently in Western Sahara at the beginning of November. Please proceed as you would like. Again, I want to thank Secretary Gray for his gracious gesture.

**STATEMENT OF MR. TOBY SHELLEY, JOURNALIST,
"FINANCIAL TIMES," LONDON, ENGLAND**

Mr. SHELLEY. I would certainly add my thanks to that, as would my two small children who I have to be back with tomorrow morning in London.

This is brief oral testimony, which is a summary of my longer written testimony.

The Western Sahara is dusted within a thin layer of civil rights and legal process. Since May of this year, that coating has been blown away by the inability of the Moroccan State to accommodate the protests of a frustrated Sahrawi population.

Following the flight of much of the Sahrawi population to come to Algeria in 1975, those who remained live in a state of fear. Some 500 cases of disappearance are still outstanding.

Sometimes whole families were seized. I know one family in which two daughters were held for 16 years and the parents both perished in prison.

In the late 1990s, there was a relative relaxation due to criticism by external human rights groups, pressure from European partners and then a period of uncertainty following the death of King Hassan.

In the autumn of 1999, there were small protests in Laayoune. To the surprise of the organizers, unorchestrated demonstrations then broke out in Sahrawi districts of the town. In the weeks it took to pacify Laayoune, a civil rights movement was born.

The 1999 protests might be linked with the frustration of the delay in implementing the referendum promised in the 1991 settlement plan. Similarly, one might draw a line between the protest that began in May of this year and the anger over the lack of implementation of Mr. Baker's peace plan.

What is plain is that the protests of this year are more overtly political and much more geographically widespread than those of 1999.

Many of the small-scale events are either spontaneous or are organized by groups of youths. Neither the civil rights committees nor the streets are controlled directly by Polisario.

Civil rights activists want Sahrawi self-determination. Some, true, are openly sympathetic to Polisario, but many are independently minded and some even see their movement as a tool for safeguarding a healthy civil society in a post-independent Western Sahara.

Currently, Laayoune, the main town in Western Sahara, is swarming with security forces. Each week I receive photographs of Sahrawis covered in blood, bandages and bruises. In the last 24 hours, I have received reports of dozens of arrests and dozens of injuries of demonstrators.

Due process has been suspended with the rest sliding into internment. Sahrawis complain that prison sentences have eventuated from hearings where the defense has been unable to function. Conditions in prisons are appalling.

Aminatou Haider is a single mother of two young children. She was beaten while monitoring a protest in early summer, carried to a hospital, from which she was then snatched and taken to jail. As far as I am aware, she remains uncharged. After a long hunger strike, she is suffering multiple illnesses. She and others, such as Hmad Hammad, may not survive their imprisonment.

In a chilling reminder of other times and other places, Ali Salem Tamek, who is currently in prison in Agadir, has been threatened with committal to a mental hospital.

As I traveled to Laayoune 3 weeks ago, two events occurred that I will relate. On the 30th of October, a protest took place in the Smara Road district of Laayoune. There was a standoff between the crowd of Sahrawis and members of the security forces.

As the protesters dispersed and security forces followed their practice of targeting a handful of demonstrators, one of those picked out was Lembarki Hamdi. He was run down by a vehicle and then systematically trampled by 11 agents until blood flowed from his mouth, nose and ears.

The authorities initially announced that he was killed by a stone thrown by a demonstrator. I have personally seen the photographs of the corpse. I have spoken to his family and I have spoken to witnesses. He was not killed by a stone.

When I saw the family, they had fled their house, because it had been raided three times by the security forces in the hours after the death. They were refusing to accept the body, because they de-

manded an independent autopsy, a right they have just been granted.

Second, civil rights activist Brahim Dahane was arrested while monitoring a protest. Two things are significant about Dahane's detention. The primary subject of his interrogation was his contact from foreign, including U.S., diplomats and journalists and that he is a consistent advocate of peaceful protest, a calming voice in an increasingly frustrated environment.

I have been informed that there is now a policy of removing from the street those with external contacts and those who seek to deny the security forces the pretext to intensify the crackdown on dissent. If the window of opportunity for a civil rights movement is closed, there will be one more argument for those who say peaceful protest wins nothing.

Further, there is a real danger of a provocation that will escalate the conflict, turning the Moroccan settled majority in the territory against their Sahrawi neighbors. Ladies and gentlemen, that road leads to pogroms.

I would respectfully urge the Committee to establish links with the Sahrawi civil rights movement, helping it to thrive as a constructive element in whatever future lies ahead.

Finally, I do not claim to know what the majority of Sahrawis want. What I do believe is that it is the most basic of civil rights that a people be allowed to define its own identity.

That means a choice between integration and independence: A choice that is monitored and must be guaranteed by the international community. Thank you.

[The prepared statement of Mr. Shelley follows:]

PREPARED STATEMENT OF MR. TOBY SHELLEY, JOURNALIST, "FINANCIAL TIMES,"
LONDON, ENGLAND

The territory of the Western Sahara is dusted with a thin layer of development, civil rights and legal process. Since May of this year, that thin coating has been blown away by the inability of the Moroccan state to accommodate the predominantly peaceful protests of an increasingly frustrated Sahrawi population.

That population has been given the lead by a civil rights movement that grew out of a previous wave of protests in 1999. I have visited the territory on a number of occasions since the beginning of 2002, initially at the invitation of the Moroccan government and subsequently on an independent basis, and have watched closely the development and spread of the movement. I was last in the territory two weeks ago. My analysis of the information I gathered then is that the Moroccan government's strategy is to eliminate the movement by crushing all protest and interning civil rights activists. This strategy is implemented through large scale deployment of paramilitary security forces in population centres, beating of demonstrators, restrictions on the local and international press, and the de facto suspension of due process in the judicial system.

The Years of Lead

In the years following the flight of much of the Sahrawi population to the camps in Algeria, those who remained lived in a state of permanent uncertainty and fear. Civil rights activists, many of whom endured years in Moroccan jails, the horrors of which have been well documented, list some 500 cases of disappearance still outstanding. Some 150 of these cases are witnessed and documented. 'Disappearance' continued well into the 1990s and typically began with a night time raid on a house, seizure of an individual by one of the various security organs, followed by a silence that might last for weeks, months, years or for ever.

In small, tight-knit communities the impact was devastating. Relatives were afraid to discuss the disappearance outside of the home for fear of retribution, no appeal to the outside world was possible, protest was unthinkable. Families of the

long-term disappeared still do not know whether to grieve or whether remarriage of spouses is thinkable.

In some cases, whole families were seized. I know one family where two daughters were held for 16 years and the parents both perished in prison.

In the last few weeks a mass grave was uncovered close to a former prison in Morocco. Of the 50 or so corpses, almost all were Sahrawi.

After the 1991 ceasefire between Morocco and Polisario, 321 'disappeared' were released, 73 of them women, and 57 declared dead, according to Sahrawi sources. However, the so-called Years of Lead did not end with the ceasefire. I have interviewed families whose sons were taken in 1992 and never seen again.

Two years ago a limited programme of family visits between the camps and Laayoune was initiated and that is due to be repeated, thanks to the UNHCR. But it should be borne in mind that there is scarcely a Sahrawi family that is not divided, parent from child, sibling from sibling, husband from wife, between exile and life under Moroccan rule.

At the social and economic levels, while reliable data is hard to come by, it is clear the Sahrawis have cause for complaint—overwhelmingly they are unemployed and marginalised. At school they are taught Moroccan history, their dialect is discouraged, and they are heavily policed. Some of the disappeared were snatched from their classrooms. There is no university in the territory. Those graduates lucky enough to be offered jobs often find themselves posted to distant parts of Morocco.

Visitors on facilitated trips to the territory are frequently shown housing projects. Whether these are in Laayoune or other towns or in coastal villages, it is evident after independent visits to the area that these houses are not for Sahrawi use and, indeed, that they may lie empty for years after apparent completion.

Sahrawis have benefited little from the massive increase in Moroccan fishing in Sahrawi waters. The Western Sahara accounts for well over half of the 'Moroccan' catch in a sector that has become increasingly important as an export earner and job generator. The boats and the workers are overwhelmingly Moroccan and the profits flow north or into the pockets of those controlling licences.

The phosphate industry, established in the latter years of Spanish rule, was an important source of employment but Sahrawi miners and retired miners complain their employment and pension contracts have been rewritten while some have been demoted, others transferred to Moroccan facilities, and that new recruits are drawn from inside Morocco.

Morocco produces no oil and its treasury suffers from the volatility of energy prices so it is particularly anxious to find hydrocarbons in the highly prospective Western Saharan waters. Despite the well-known legal opinion of the senior UN lawyer, Hans Correll, few Sahrawis believe any oil project profits would flow to the indigenous people.

1999 and beyond

In the late 1990s there was a relative relaxation in the Western Sahara. This derived in large part from constant criticism by external human rights groups, pressure from European partners of Morocco, and then a period of uncertainty, not to say intrigue, following the death of King Hassan.

The opportunity was seized first by Sahrawi students in Moroccan universities. In the second half of 1999 though, small protests began in Laayoune with school graduates complaining about discriminatory employment policies. These grew as retired phosphate miners and representatives of other interest groups joined in until some 200 people were engaged in a long term sit down protest. After two weeks the protest was broken up by riot police.

It is very important to understand what happened next. To the surprise of the protest's organisers, unorchestrated demonstrations broke out in heavily Sahrawi districts of the town and were echoed by Sahrawi students in Morocco.

In the weeks it took to pacify Laayoune, the civil rights movement was conceived and born as activists determined to organise. It was at this time that former prisoners and would-be activists who had never met before got together, that families of the disappeared began to speak out, that prisoner release campaigns got underway, culminating in the release of Mohamed Daddach who had been detained for a quarter of century.

The following few years saw an increase in the confidence and organisation of the civil rights movement as it spread beyond Laayoune to Smara, Dakhla and Boujdour. Perhaps of most concern to Morocco, it emerged strongly in the ethnically Sahrawi town of Assa, which lies within Morocco itself, finding echoes in other southern Moroccan towns such as Goulmime and Tan Tan.

The movement benefited to some extent from developments inside Morocco where the government tried to draw a line under the Years of Lead. Local human rights

organisations were permitted to operate and Sahrawi chapters affiliated. Many of those who had been held without trial received compensation and public hearings were given to former detainees.

However, even during this period when Morocco was being lauded abroad, Sahrawis faced discriminatory treatment. The 500 outstanding cases of disappearance remained outstanding. Demonstrations in Smara in late 2001 were put down with force and arrestees handed down long prison sentences. The Sahrawi chapter of the Forum for Truth and Justice was closed down—much of the evidence presented against it relating to contacts with foreign journalists. Because former victims of torture and imprisonment were forbidden from naming those responsible, the perpetrators faced neither exposure nor punishment.

May 2005

One might link the timing of the 1999 protests with growing frustration over the delay in implementing the referendum promised in the 1991 Settlement Plan. Similarly, one might draw a dotted line between the protests that began in May this year, sparked by transfer of a prisoner to a far-flung prison, to Sahrawi frustrations over lack of implementation of Mr Baker's Peace Plan.

What is plain is that the protests of this year are far more overtly political than those in 1999. Then, the Moroccan government and press ascribed the unrest to social grievances exploited by a handful of pro-Polisario agents provocateurs. Today, it is undisputed that demonstrators are explicitly demanding a referendum of self-determination. That goes for protests in schools, universities in Morocco, and the streets of Sahrawi districts in towns across the territory and inside southern Morocco.

Civil rights activists have been involved in organising some of the largely peaceful protests. At others they have attempted to act as monitors, following detainees to police stations and hospitals to try to ensure they are properly treated. But many of the small-scale events are either spontaneous or are organised by groups of youths.

It is very important to understand that neither the civil rights committees nor the street is controlled directly by Polisario's external leadership. Civil rights activists want Sahrawi self-determination and view this as the most fundamental of rights. Some of them are more-or-less openly sympathetic to Polisario and, of course, the mobile phone has provided a two-way communication flow between the camps and the Moroccan controlled territory. But many are independently minded and some even see their movement as a tool for ensuring a healthy civil society in an independent Western Sahara. There are different tendencies and opinions within the civil rights movement, some now seeing confrontation as being the only means of gaining international attention, some seeing the movement as a transitional stage towards full-blooded political struggle while others believe demands for social and judicial reform have their own value.

This, plus the degree of surveillance of the population and the fact that protests are continuing despite the imprisonment of many key activists gives the lie to the notion that Polisario can turn on and off the tap of protest in the territory. I know that Polisario is using what influence it does have to hold back hot heads.

One might draw a loose parallel between the development of protest in the Western Sahara and the first Palestinian intifada. In both cases the leadership of an externally-based movement has had to run to catch up with events on the ground. Actually, I would go further—even local activists have again and again been surprised by the spontaneity of protest.

Morocco's response

As I have already remarked, the streets of Laayoune are currently swarming with units of an alphabet soup of security forces. Each week I and many other journalists receive photographs of Sahrawis covered in blood, bandages, bruises after their release from custody. I know children as young as five years old who have been chased through their neighbourhood by police on the grounds they were illegally demonstrating.

Several dozen civil rights activists have been detained, sometimes without charge and sometimes without hearing dates being set. Due process has been suspended by the judiciary with arrest being allowed to slide into indefinite internment. Where there have been trials, Sahrawis complain that prison sentences of many years have eventuated from hearings where the defence has been unable to function. Conditions in Moroccan prisons, particularly the Carcel Negre in Laayoune are appalling. Detainees, many of them unconvicted, many of them sick and injured are crammed into rooms so full some have to sleep in latrine cubicles.

Aminatou Haider is a single mother of two young children. She is a slight figure, still carrying the physical and emotional scars of the young woman she was when she was disappeared. She has insisted on speaking out, accusing by name those who treated her as they wished during her incarceration. She was beaten whilst monitoring a protest in early summer, carried covered in blood to hospital from which she was snatched and taken to jail. As far as I am aware she remains uncharged. After a long hunger strike, she is suffering multiple illnesses. She and others, such as Hmad Hammad, may not survive their imprisonment.

In a chilling reminder of other times and other places, Ali Salem Tamek, a hate figure of the Moroccan establishment press, currently detained in a prison near Agadir, has been threatened with committal to a mental hospital.

As I travelled to Laayoune three weeks ago, two events occurred that I will relate.

Firstly, on October 30 a protest took place in the Smara Road district of Laayoune. There was a stand off between a crowd of 50–100 Sahrawis and members of the Groupe Urbaine Securitaire. According to eye witnesses to whom I have spoken, as the protestors dispersed the security forces followed their usual practice of targeting a handful of demonstrators. One of those picked out this time was Lembarki Hamdi. He was run down by a vehicle and then systematically trampled by 11 agents until blood flowed from his mouth, nose and ears. Two bypassers who tried to take him to hospital were detained. He was declared dead in hospital.

The authorities announced he was killed by a stone thrown by a demonstrator. I have seen photographs of the corpse. I have spoken to his family and I have spoken to witnesses. He was not killed by a stone. When I saw the family they had fled their house because it had been raided three times by the security forces in the hours since the death. They were refusing to accept the body—a terribly hard decision for a muslim family, not least in the holy month of Ramadan—because they wanted an independent autopsy.

Second, in the wake of the death of Lembarki Hamdi, civil rights activist Brahim Dahane was arrested while monitoring a protest. He joins several dozen others many of who have been on hunger strike.

Two things are significant about Brahim Dahane's detention, namely that the primary subject of his interrogation was his contact with foreign, including US, diplomats and journalists, and that he has been a determined and consistent advocate of peaceful protest, a calming voice in an increasingly frustrated environment.

While Dahane, whose sister won political asylum in Britain in 2004, is being held on a litany of vague allegations such as membership of an illegal organisation and compromising the territorial integrity of the kingdom, it has been put to me that there is now a policy of removing from the street those with external contacts and those who are seeking to deny the security forces the chance to intensify the crack-down on dissent.

Conclusion

The situation in the Western Sahara is at a crossroads. At the diplomatic level, Morocco appears confident in its ability to rebuff Baker's Peace Plan without significant protest from the Security Council. This confidence no doubt derives from its success in sinking the Settlement Plan to which it signed up almost a decade and a half ago.

On the ground in the territory it controls, Morocco has intensified the exploitation of and search for natural resources, aided by US company Kerr McGee in the case of oil. But the limited economic development and the more substantial infrastructural development has been aimed at settling the territory. To the limited extent Sahrawis have benefited it has been incidental or by grace and favour.

If a window of opportunity for open organisation of a civil rights movement opened in the late 1990s, it is now being slammed shut. If it is closed, there will be one more argument in favour of those who reason that peaceful protest wins nothing. I believe there is a very real danger of a provocation that would escalate the conflict, turning the Moroccan settler majority in the territory against their Sahrawi neighbours. That road leads to pogroms.

Destruction of the Sahrawi civil rights movement flies in the face of Morocco's constant assertions abroad that it wishes to pursue development, democracy and devolution. It also sends a frightening message to those seeking real reform inside Morocco itself.

I would strongly and respectfully urge the committee to monitor the situation on the ground in the Western Sahara, something the UN mission has signally failed to do, and to establish communication links with the Sahrawi civil rights movement, helping it to survive and thrive as a constructive element in whatever future lies ahead.

Finally, I must say that I hold no candle for Polisario. I do not advocate Sahrawi independence any more than integration with Morocco. I do not claim to know what in their hearts the majority of Sahrawis want. What I do firmly believe, and I think it may resonate in this room, is that it is the most basic of civil rights that a people be allowed to define its own identity. We will never know what the Sahrawis want unless the international community insists that they are given a clear choice in a vote of self-determination. That means a choice between integration and independence, a choice that is monitored and guaranteed by the international community. Thank you.

Mr. SMITH. Mr. Shelley, thank you very much for your testimony. We will ask just a couple of questions, again owing to your time.

In your book, *The Endgame to Western Sahara*, you allege, and I quote, "duplicity and incompetence at the United Nations." What agendas do you see at work that have thwarted the referendum that the UN claims that it wants?

Mr. SHELLEY. There is certainly at least one permanent member of the Security Council which is solidly, permanently behind Morocco, uncritically supportive of Morocco, and I believe that that member's support has frustrated the attempts or materially assisted Morocco in frustrating the attempts of the United Nations to reach a settlement.

Mr. SMITH. That member is?

Mr. SHELLEY. France.

Mr. SMITH. What is its interest in preventing a referendum there?

Mr. SHELLEY. Morocco's?

Mr. SMITH. No. Why is France so—

Mr. SHELLEY. France is of the opinion that it would be more destabilizing to Morocco and to the Maghreb for the Kingdom to have to backtrack on their position that it has maintained for decades than to cut off a gangrenous limb in order to save the body, which is what the alternative position would be.

Mr. SMITH. Mr. Payne?

Mr. PAYNE. Thank you very much. We still hear about reports of atrocities that occurred in the camps in the past years carried out by Moroccans and some of these people now are in government positions in Morocco. Are you aware of any such individuals or cases?

Mr. SHELLEY. I mean obviously I don't. I can't personally testify for the truth of what I have heard, but I would point to reports in the Moroccan press a couple of months ago where one of the prisoners of war who was returned to Morocco by Polisario in 2003, I believe publicly named one Omar Hadrani, as having been responsible for the maltreatment of Moroccan prisoners of war.

Mr. Hadrani now lives in a comfortable villa outside of Rabat and is a senior member of the Moroccan administration. So he might be an interesting person to talk to on this matter.

Mr. PAYNE. Just quickly, because we know the Moroccan Government is still detaining people who are involved in protests, do you know what reasons are being given, official reasons are being given for why these individuals are being held?

Mr. SHELLEY. Clearly in some cases people are being charged with offenses related to demonstrations and in those cases I believe due process is being followed.

But what concerns me is that in a number of other cases, particularly those of well-known human rights activists, what is hap-

pening is that people are being arrested that are then, as should happen, being taken to an investigative magistrate within a 24-hour period. But they are then having a range of charges, such as possession of explosives, forming illegal organizations, compromising the territorial integrity of the Moroccan State, and so very big blanket charges laid against them and not then being given a trial date or a hearing date.

So what happens is that by using the first part of the process, the second part of the process is avoided. So what you end up having is an open-ended internment.

Mr. PAYNE. Thank you very much. We really appreciate you coming over and because of your time, we are going to end the questioning.

Mr. SHELLEY. Thank you very much.

Mr. SMITH. Mr. Shelley, thank you very much. Have a nice flight home.

Now let me welcome Deputy Assistant Secretary Gordon Gray, Secretary of State for Near Eastern Affairs. He has served as Deputy Chief of Mission at the U.S. Embassy in Egypt from July 2002 until June 2005.

In addition to his service in Egypt, Mr. Gray was the first United States diplomat to travel to Libya in 2004. Mr. Gray began his career in government as a Peace Corps volunteer in Morocco.

After joining the Foreign Service in 1982, he served in Pakistan, Jordan, and Canada. Mr. Gray has received several State Department awards, including Senior Performance Pay and Superior and Meritorious Honor awards.

Secretary Gray, please proceed as you would like.

STATEMENT OF MR. GORDON GRAY, DEPUTY ASSISTANT SECRETARY, BUREAU FOR NEAR EASTERN AFFAIRS, U.S. DEPARTMENT OF STATE

Mr. GRAY. Mr. Chairman, Distinguished Members, I am honored to have the opportunity to appear before you today to discuss the Western Sahara.

This issue, spanning the past quarter century, continues to constitute a destabilizing element in the region and an impediment to regional cooperation, as well as an ongoing humanitarian issue.

I would like to start out by addressing United States interests in the Western Sahara, then discuss recent developments and finish up with prospects for United States policy.

Let me outline my thoughts on United States interests in the Western Sahara. A durable, peaceful settlement of this dispute would enhance the stability of the Maghreb, as well as the stability of the Mediterranean Basin, more generally. A settlement offers a prospect of strengthening political, economic, commercial, and counterterrorism cooperation for the Maghreb and Sahel regions.

Unresolved, this dispute significantly impedes regional integration and leaves the Sahrawi people with a bleak and uncertain future.

If the situation were to deteriorate, it could bring new suffering and hardship, threaten political and economic reform trends in Algeria and Morocco, and impose serious risks for the stability of the Maghreb, with implications for Southern Europe.

With those interests at stake, we continue to support strongly the efforts of the United Nations to resolve this issue. We remain committed to a durable, peaceful and mutually acceptable resolution of this long-running dispute.

This can only happen with the full cooperation of all the parties with the United Nations and with each other.

Recent developments, including the appointment of Peter van Walsum as the Secretary-General's new Personal Envoy, underscore our confidence that the United Nations remains the appropriate venue for resolving this dispute.

Congressman Royce, in his comments, questioned this confidence, but I would point to Ranking Member Payne's comments in which he pointed to a number of troubled spots, such as Ethiopia Iatrea, East Timor, where United Nations intermediation with the support of the United States has been a useful tool in resolving these regional issues.

Turning now to the recent developments that I alluded to above, I am sorry to report that there has been little movement toward resolving the dispute since the State Department last testified before this body in 2000.

Our hope that the series of talks brokered by former Secretary of State James Baker would lead to a resolution has not been realized. The fruit of these talks, the Baker Peace Plan, first presented in 2003, in which the United States' Security Council called an optimal solution, retained aspects of the earlier settlement and framework agreements but included a period of Sahrawi autonomy prior to a referendum on self-determination. The plan was accepted by the Polisario Front and the Algerian Government, but rejected by the Moroccan Government.

A glimmer of hope came this August, when the parties were able to overcome some of their differences. With the support of many parties, including the United States' Congress, Senator Lugar led a mission to Algeria, the Western Sahara, and Morocco.

I am honored that I was able to accompany Senator Lugar on his trip. He is as distinguished as a diplomat as he is as a Senator.

Thanks to his hard work and his efforts, the result was that Polisario released 404 long-held Moroccan prisoners of war, all of the remaining POW's. These men, among the longest held POW's in the world, are now reunited with families and loved ones. This event helped to clear a longstanding obstacle to the peace process and was a true humanitarian success.

Unfortunately, Senator Lugar's success has not yet completely eased tensions between Morocco and Algeria. Both parties were able to overcome last year's rhetoric to achieve consensus on the passage of a resolution on the Western Sahara at the 60th United Nations General Assembly.

On the other hand, recent immigration problems involving Ceuta and Melilla, two Spanish enclaves located adjacent to the Moroccan coastline, have been exploited by all sides as they continue to blame each other for difficulties.

In the midst of a long political stalemate, we are mindful of the ongoing humanitarian cost of this dispute. Approximately 90,000 Sahrawi refugees continue to live a marginal existence in camps around Tindouf, Algeria. The exact number of refugees living in

these camps is not known, since there has never been a reliable census of the population.

There are credible reports that the Polisario Front has sold portions of international food aid on the black market. Chronic shortages of basic goods, whether due to diversion, inadequate storage facilities or simply because there is not enough to go around are unfortunately common.

Allegations of human rights abuses remain persistent on all sides and our annual *Human Rights Reports* for Morocco, while noting considerable improvements on many fronts, still classifies Moroccan performance as poor throughout the nation, including Western Sahara.

In turn, the Polisario has reportedly restricted freedom of movement and expression in its camps and in areas of the Western Sahara that it controls. Accounts of its treatment of former Moroccan POW's have been grim.

As for U.S. policy, Mr. Chairman, we continue to seek a durable, peaceful and mutually acceptable solution to this dispute that takes into account the rights and well-being of all the involved parties and promotes the stability of the region.

We cannot impose a solution. The parties themselves must agree on the way forward. While the Baker Peace Plan remains an optimal solution, it is difficult to see how this plan, accepted by only two of the three parties, could now be accepted or implemented.

We hope that all parties will create an atmosphere that is ready for open and frank discussions. It is clear to us that a resolution of the Western Sahara dispute can only be approached in the context of much improved Moroccan/Algerian relations.

It is for this reason that we are focusing our efforts on improving the overall atmosphere in the region by encouraging Moroccan/Algerian rapprochement. Morocco in turn must also concentrate on opening a dialogue with the Polisario.

We continue to encourage the parties to work with the United Nations and with each other in the spirit of flexibility and compromise to find a mutually acceptable settlement.

Morocco has recently expressed willingness to lay out its plan for autonomy for the Western Sahara and we strongly encourage the Kingdom to put forward a proposal for all parties to examine.

In sum, we are attempting to encourage an atmosphere, both at the official and at the personal levels, which is conducive to resolving this dispute in a manner that respects all the parties involved and encourages regional stability. Certainly one theme I have heard this afternoon is unanimity of opinion that it is time that this issue be resolved.

Thank you, Mr. Chairman, for giving me the opportunity to speak with you this morning and if you have any questions, I am of course prepared to take them.

[The prepared statement of Mr. Gray follows:]

PREPARED STATEMENT OF MR. GORDON GRAY, DEPUTY ASSISTANT SECRETARY,
BUREAU FOR NEAR EASTERN AFFAIRS, U.S. DEPARTMENT OF STATE

Mr. Chairman, distinguished Members, I am honored to have the opportunity to appear before you regarding the Western Sahara. This issue, spanning the past quarter century, continues to constitute a destabilizing element in the region and an impediment to regional cooperation, as well as an ongoing humanitarian issue.

I would like to address first U.S. interests in the Western Sahara; second, recent developments; and third, prospects for U.S. policy.

A durable, peaceful settlement of this dispute would enhance the stability of the Maghreb, as well as the stability of the Mediterranean Basin more generally, and the Sahel. A settlement offers the prospect of strengthening political, economic, commercial, and counter-terrorism cooperation for the Maghreb and Sahel regions. Unresolved, this dispute significantly impedes regional integration and leaves the Sahrawi people with a bleak and uncertain future. If the situation were to deteriorate, it could bring new suffering and hardship, threaten political and economic reform trends in Algeria and Morocco, and pose serious risks for the stability of the Maghreb, with implications for Southern Europe.

With these interests at stake, we continue to support strongly the efforts of the United Nations to resolve the Western Sahara issue. We remain committed to a durable, peaceful, and mutually acceptable resolution of this long-running dispute. This can only happen with the full cooperation of all the parties with the United Nations, and with each other. Recent developments, including the appointment of Peter van Walsum as the Secretary General's new Personal Envoy, underscore our view that the United Nations remains the appropriate venue for resolving the dispute and we have every confidence in its ability to do so.

Turning now to the recent developments I alluded to above, I am sorry to report that there has been little movement toward resolving the dispute since the State Department last testified before this body in September of 2000.

Our hope that the series of talks brokered by former Secretary of State James Baker would lead to a resolution has not been realized. The fruit of these talks, the Baker Peace Plan, first presented in 2003, and which the UN Security Council called "an optimal solution," retained aspects of the earlier Settlement and Framework Agreements, but included a period of Sahrawi autonomy prior to a referendum on self-determination. The Plan was accepted by the Polisario Front and the Algerian government, but rejected by the Moroccan government.

In June 2004, James Baker resigned as Personal Envoy following a seven-year effort to assist the parties in crafting an agreement. The Secretary General asked Alvaro de Soto, his Special Representative for the Western Sahara from August 2003 to May 2005, to continue working with the parties following Mr. Baker's resignation.

The summer of 2004 also saw a dramatic downturn in Moroccan-Algerian relations sparked by a series of miscues, beginning with Algeria's tepid response to Morocco's unannounced lifting of visa requirements for Algerian nationals. SRSO de Soto embarked on consultations with the parties in this less than fertile climate, but was quickly and consistently rebuffed by both the Algerian Government and the Polisario Front.

Poor relations between Morocco and Algeria culminated in a bitter public display at the United Nations 4th Committee in October 2004, where, for the first time, the Committee's resolution on the Western Sahara was not passed by consensus. The U.S., France, Spain, UK, and Russia abstained in this vote.

In October 2004, the UN Security Council voted unanimously to extend MINURSO's mandate for six months, with a request that the Secretary General provide a report on the situation before the end of the mandate and provide an interim report on evolution of the situation and the mission's size and concept of operation.

Early spring 2005 brought the hope of a thaw in Moroccan-Algerian relations, when King Mohammed attended the Arab League Summit in Algiers and stayed on for a one-on-one meeting with President Bouteflika. Shortly thereafter, the Algerians lifted visa restrictions for Moroccan nationals and were planning to send Prime Minister Ouyahia to Morocco to discuss, among other issues, re-opening the land border that has been closed since 1994.

In April 2005, the UNSC voted unanimously to extend MINURSO's mandate for an additional six months and reiterated its desire for a comprehensive review of the mission's civilian and administrative structure.

In May, Alvaro de Soto was named UN Special Coordinator for the Middle East Peace Process and Personal Representative to the PLO and PA.

In addition, the thaw between Morocco and Algeria was short-lived, and by early summer relations were again in a downward spiral, precipitated this time by Algerian public statements in support of independence for the Western Sahara. The Moroccan government reacted to the first of these statements by canceling the King's participation in the Arab Maghreb Union Summit scheduled for May in Tripoli. With the King's cancellation, the summit collapsed. The Moroccan government reacted to a subsequent Algerian statement by canceling the June visit of the Algerian Prime Minister.

A glimmer of hope came this August, when the parties were able to overcome some of their differences. With the support of many parties, including the U.S. Congress, Senator Lugar led a mission to Morocco, Algeria, and the Western Sahara that resulted in the Polisario Front releasing 404 long-held Moroccan prisoners of war (POWs). These men, among the longest-held POWs in the world, are now reunited with families and loved ones. This event helped to clear a long-standing obstacle to the peace process and was a true humanitarian success.

Still, the success of the Lugar Mission has not yet completely eased tensions between Morocco and Algeria. Both parties were able to overcome the slow-flowing rhetoric of last year to achieve consensus on the passage of a resolution on the Western Sahara at the 60th UN General Assembly, yet recent immigration problems involving Ceuta and Melilla, two Spanish enclaves located adjacent to the Moroccan coastline, have been exploited by all sides as they continue to blame each other for the difficulties.

On October 31, the UN Security Council voted unanimously to extend MINURSO's mandate for an additional six months and called for a status report from new UN Envoy van Walsum after three months.

In the midst of a long political stalemate, we are mindful of the ongoing humanitarian cost of this dispute. Approximately 90,000 Sahrawi refugees continue to live a marginal existence in camps around Tindouf, Algeria. The exact number of refugees living in these camps is not known since there has never been a reliable census of the population.

There are credible reports that the Polisario Front has sold portions of international food aid on the black market. Chronic shortages of basic goods, whether due to diversion, inadequate storage facilities, or simply because there is not enough to go around, are common.

Allegations of Human Rights abuses remain persistent on all sides, and our annual Human Rights Report for Morocco, while noting considerable improvements on many fronts, still classifies Moroccan performance as poor throughout the nation, including Western Sahara. In turn, the Polisario has reportedly restricted freedom of movement and expression in its camps and in areas of the Western Sahara that it controls. Accounts of its treatment of former Moroccan POWs have been grim.

Mr. Chairman, we continue to seek a durable, peaceful, and mutually-acceptable solution to this dispute that takes into account the rights and well-being of all the involved parties and promotes the stability of the region.

The United States will not impose a solution. The parties themselves must agree on the way forward. While the Baker Peace Plan remains "an optimal solution," it is difficult to see how this plan, accepted by only two of the three parties, could be accepted or implemented.

We are hopeful that all parties will create an atmosphere that is ready for open and frank discussions. It is clear to us that a resolution of the Western Sahara dispute can only be approached in the context of much-improved Moroccan-Algerian relations. It is for this reason that we are focusing our efforts on improving the overall atmosphere in the region by encouraging Moroccan-Algerian rapprochement. Morocco, in turn, must also concentrate on opening a dialogue with the Polisario.

We continue to encourage the parties to work with the United Nations, and with each other, in a spirit of flexibility and compromise, to find a mutually acceptable settlement. We consult regularly with France, Spain, Russia, and the UK—collectively the "Friends of the Western Sahara"—and, whenever possible, coordinate our efforts to encourage a settlement. Morocco has recently expressed willingness to lay out of its plan for autonomy for the Western Sahara, and we have encouraged the Kingdom to put forward a strong proposal for all parties to examine.

We support, financially and morally, the UN's confidence building measures, which have brought together more than 1,200 Sahrawis from both sides of the berm to renew family ties as part of the family visit program and allowed more than 12,000 Sahrawis to communicate via telephone. In addition, the U.S. supports the World Food Program's assistance to the refugees around Tindouf.

In sum, we are attempting to encourage an atmosphere, both at the official and personal levels, conducive to resolving the Western Sahara dispute in a manner that respects all the parties involved and encourages regional stability. I would be happy to answer any questions that you might have.

Mr. SMITH. Mr. Gray, thank you very much. Is it already morning? Have we been here that long? I am kidding. Let me just ask a couple of questions.

Mr. GRAY. Sure.

Mr. SMITH. Secretary of State, former Secretary of State Baker's plan obviously failed, but can you give us some insights as to why?

You just mentioned a moment ago about the autonomy potential and that the Moroccans may put forward a plan. When might we expect anything tangible to be forthcoming from the Moroccans?

Let me also ask you about reports we have, our U.S. Embassy personnel report that Sahrawi who met with U.S. Embassy personnel were subjected to arrest and detention by Moroccan police.

I wonder if you can verify whether or not that happened and what has become of those who were arrested? What was the charge and how did we regard it? Did we protest it? Did we seek explanations as to what might happen?

Then, finally, with regards to MINURSO, U.S. Ambassador John Bolton has implied that the recent extension of MINURSO may be the last, and I am wondering if you could tell us if you believe MINURSO to be viable?

If we end support for it, what strategy would you suggest be put into its place to replace it?

Mr. GRAY. Thank you, Mr. Chairman. To answer your questions in the order in which you posed them, first question as I recall that you asked was, why did former Secretary Baker's plan fail?

The reason for that, simply put, is that Morocco refused to accept it, and without the acceptance of all the parties to the dispute, it is not possible for it to be implemented.

While I defer to the Moroccan Government to speak for itself, I think it is obvious that Secretary Baker's call for a robust autonomy plan was a call that gave them some anxiety and they were not prepared, at least at the time, to go down that road.

That leads into your second question, I think, which is, when can we expect to see such a plan from the Moroccans? We, the U.S. Government, have posed the same question. I personally have posed the same question and the response I have gotten is that it will be soon, but nothing more specific than that. When I received that response, I encouraged both a very strong plan that was real autonomy and also sooner as opposed to later.

As far as your third question about Sahrawi who have met with Embassy personnel, first of all I would like to thank you for pointing out that our staff from our Embassy in Rabat are very active in their interactions with all the people of Morocco, as well as with Sahrawi. They do have regular meetings with Sahrawi. Regularly after those meetings there are allegations that people are arrested. In other words, people with whom they have met have been arrested.

We follow up after those meetings to see if that is true. Sometimes it is difficult, frankly, to ascertain when someone is arrested, if he or she was arrested specifically because of a meeting with someone from the U.S. Embassy or not.

As far as MINURSO is concerned and next steps on MINURSO, I am going to defer that general question to Ambassador Bolton, who is, as I am sure you and your colleagues know very well, in addition to being a permanent representative to the United Nations, served as Assistant Secretary for International Organization Affairs when Secretary Baker was Secretary of State and then

served as former Secretary Baker's Deputy, when he was a Special Envoy.

Again, I will defer to him on this issue, but I think it is no secret that there is concern within the Administration that MINURSO is a peacekeeping mission that is not doing what it was designed to, not through any fault of the dedication of the people who worked for MINURSO, but because it is difficult to see how it is contributing to a solution because of the political environment.

Mr. SMITH. Just getting back to the question about the individuals who met with our Embassy personnel. Were there credible reports of arrests, detentions and anything beyond that? Are any in jail, for example, today?

Mr. GRAY. I am aware of one credible report, yes.

Mr. SMITH. What was that about?

Mr. GRAY. Could I get you that answer in a nonpublic forum? Because by providing the answer I think I would not contribute to the well-being of the person involved.

[The information referred to follows:]

WRITTEN RESPONSE RECEIVED FROM MR. GORDON GRAY TO QUESTION ASKED
DURING THE HEARING BY THE HONORABLE CHRISTOPHER H. SMITH

Diplomats from our Embassy meet with a wide variety of contacts in the Western Sahara and there are often allegations of harassment following meetings with American officials. We take these allegations very seriously and follow up with people we have met to ascertain the details of any abuse or harassment they may have suffered because of their contact with U.S. Embassy officials. We are aware of one case where an individual was jailed for a number of reasons, allegedly including contact with the U.S. Embassy.

Mr. SMITH. Okay. Let me just ask one final question with regards to there being reports that the Polisario has sold portions of international food aid on the black market.

They claim it sold excess supplies of one good in order to buy other needed supplies. Have either of these claims been investigated to determine if the U.S. or UN donations have been used improperly?

Mr. GRAY. I don't know the answer. I will be happy to take it and get back to you. I just don't know.

[The information referred to follows:]

WRITTEN RESPONSE RECEIVED FROM MR. GORDON GRAY TO QUESTION ASKED
DURING THE HEARING BY THE HONORABLE CHRISTOPHER H. SMITH

We have not been able to substantiate allegations of food donations being sold on the black market. Refugees traditionally sell a portion of their food rations on local markets in exchange for other much needed goods. Small quantities of refugee food aid have been identified in markets in Tindouf, Algeria or in nearby Mauritania. However, it is unknown whether this food was sold by refugees, or involved any Polisario-controlled diversion, or if this food aid was from WFP/UNHCR (World Food Program/Office of the UN High Commissioner for Refugees) or another source such as the European Union.

We believe that UN agencies should establish and exert stronger control over the food distribution network, in conjunction with their NGO partners who transport (the Algerian Red Crescent) and distribute (the Sahrawi Red Crescent) food aid. A recent monitoring visit by the State Department's Refugee Coordinator revealed some weaknesses in tracking food aid movements. The World Food Program (WFP) has made efforts to increase control and improve post-distribution monitoring by establishing an office in Tindouf in 2003 and increasing its staffing there. More could be done if resources were available. Recently, UNHCR and WFP agreed that the official number of food aid beneficiaries be reduced from 158,000 to 90,000 in light of the Polisario Front's continued refusal to allow UNHCR to conduct a registration

of the refugee population. This reduction is another measure to help ensure more targeted distribution of food aid, but it will have to be closely monitored to prevent increased levels of malnutrition among the refugee population.

We will continue to work with UN agencies to try to improve the system in the camps in Algeria and to address any alleged diversions of food aid. What is clear is that food aid for Western Saharan refugees is needed on a humanitarian basis: those in the camps are dependent on food aid for their daily nutritional needs. Continued international support for UNHCR and WFP's efforts on behalf of the refugees is required until a political solution to the Western Sahara can be found.

Mr. SMITH. Mr. Payne?

Mr. PAYNE. Thank you very much. I really appreciate your testimony and I too have to commend Senator Lugar. I think he is an outstanding American and in the negotiations that he was able to get release of the prisoners, I think, is very commendable and he is a real diplomat that I respect dearly.

I just want to ask a couple of questions, and I am glad that the Chairman raised the question about the commodities that were allegedly sold. I do hope that we can have a better investigation of that and there is a difference of opinion about the selling of these commodities, and I do know that you raised that and if it is true, it is a negative thing as it relates to the leadership.

However, I note that there was no mention of some other serious situations that I think I would have expected to be in the report. I mean it is good to bring out issues that should be questioned, but I wonder if you are aware of the mass grave that was recently found in the Morocco jail compound with 50 bodies, 43 of them were Sahrawi people. And I wonder if you could comment on that, if you have any knowledge of that and thought that you might have had a mentioning of the Lembarki young person that was killed by the Moroccan authorities in recent clampdowns, since we were bringing out things that have been negative on both sides.

Also, in looking through your testimony, there are three or four references, you mention the success of the Lugar mission, the fact that it has not yet completely eased tensions between Morocco and Algeria, or early in the page you talk about in addition the thaw between Morocco and Algeria was short-lived.

You go on, on another page, to talk about the improved Morocco/Algerian relations. Reading through, the issues seem from State Department is a conflict between Morocco and Algeria since it is continually mentioned in your paper.

We do know that there have been support, but I am just kind of amazed that the dais seems to be Morocco versus Algeria and I thought we were here to talk about Western Sahara, the Sahrawi people, the Polisario, and trying to get some resolution to this question.

You might maybe educate me on why so much reference to Algeria. We can have a hearing on Algeria, but this was not supposed to be that.

I just wonder too if you could just inform me what is the United States policy of Western Sahara? We know that Morocco has a very high place in United States policy and I know that the Congressmen talk about the great movement. I think the King is loosening up and allowing more democracy in Morocco.

I wonder if the State Department, one, supports self-determination of the Sahrawi people, but where they have a position and also

the waters off of Western Sahara there is nearly 90 percent of Morocco's fish export comes from waters of occupied territory.

Western Sahara's fish products now account for up to 7 percent of Morocco's total export earnings of 85.6 billion Darhunes. Western Sahara is also rich in phosphates. There is oil exploration going on and so I wonder, where is Morocco's interest? Is it that they say a thousand years ago this was Morocco or whether it seems to be perhaps some economic interest?

You might finally see if you are aware of the EU/Morocco fisheries deal that is expected to go into effect in March 2006, a deal worth 144 million euros, which would give fishing rights to European fleets in Moroccan waters and that the agreement includes waters in occupied Western Sahara.

I wonder where we stand on the position, the Department stands under the UN Convention of the Law of the Sea, to which Morocco was a party, and is this a legal right that Morocco has to allow treaties to extend to land that is in dispute?

Mr. GRAY. Thank you, sir. To answer the questions that you have posed, I am not aware of the issue of the mass grave that reportedly included three Sahrawi corpses, but will be pleased to—

Mr. PAYNE. 43.

Mr. GRAY. 43. I am sorry. I misheard you.

Mr. PAYNE. We can give you more information on that for your—

Mr. GRAY. Sure. We will be pleased to take the information and then get back to you with more considered response.

[The information referred to follows:]

WRITTEN RESPONSE RECEIVED FROM MR. GORDON GRAY TO QUESTION ASKED
DURING THE HEARING BY THE HONORABLE DONALD M. PAYNE

[Question text provided by HIRC Staff beyond what was in transcript]:

What is State's policy in recent months on the violence seen against protesters, peaceful protesters, and what measures has it taken to pressure the Moroccan government to cease and desist. Particularly, what is State's statement on the mass grave uncovered in October which contained 50 bodies, 43 of which are Sahrawi, and what has been the response of the Moroccan government?

Response:

Since the May 2005 demonstrations in the Western Sahara, the human rights situation has become more volatile, with frequent unrest and increased allegations of human rights abuse. We are concerned about this situation and are carefully following reports of violence against protesters in the Western Sahara. We have raised our concerns with senior level officials in the Moroccan government and we are insisting on full, fair, and public investigations and accountability in all the recent cases of alleged abuse by Moroccan security forces.

The mass graves were identified as a result of Morocco's Equity and Reconciliation Commission's (IER) extensive work with victims and relatives of those who were arbitrarily detained, tortured, or who died during the period 1956–1999. The IER, which was formed by a Royal decree on January 7, 2004, has investigated a range of human rights abuses during that period and uncovered graves in several other sites in Morocco. The final report of the IER has just been submitted to the Moroccan authorities, and the King has announced that the report will be made public. Once it is public, Moroccan and international human rights organizations may seek to pursue further the issue of mass graves, and our Embassy will continue to monitor this story and investigate as appropriate as more information becomes available.

Mr. PAYNE. Thank you.

Mr. GRAY. As far as you mentioned also the Lembarki case, who died, the Sahrawi who died October 30th, after participating in the

demonstration in Laayoune and on October 29. I think we heard the previous witness say that he had spoken with family members and other witnesses who indicate it was a result of a beating by Moroccan security forces. This is a case that we have raised at very senior levels in Rabat with the Ministry of Foreign Affairs to make clear that if these reports are accurate, this is an unacceptable behavior by the Moroccan security forces.

We are waiting. They promised to look into it, but we are waiting for a more complete answer from them.

Turning to your question about Morocco and Algeria, I regret if I have created the impression that this is a dispute that includes only two parties. I tried to make it clear in my statement that it involves three parties, Morocco, Algeria, and the Sahrawi people.

That is why, in my concluding remarks in my oral statement, I said not only is it important for Morocco and Algeria to improve their relations—and I think it is realistically for resolution of this issue—but it is also important for Morocco to enter into a serious dialogue with the Polisario, but only if we have good communication among the three parties involved do I believe we will have a solution.

I think the point that you were making is in sum a point that I would agree with.

As far as you asked whether our policy is to support self-determination for the Sahrawi people. Self-determination is a very loaded phrase. I view self-determination as a process and that is why it is so important for the Government of Morocco to present an autonomy plan so that we can have more specifics on how the Sahrawi people will be able to have more control over their future than they have now.

As far as, you mentioned the commercial benefits, if you will, of the Western Sahara, in particular the offshore riches, and legally it is a very complex issue. I don't pretend to be a lawyer. The UN legal office has stated that, at least in context of oil extraction, that it should only be done for the benefit of the people of those territories, referring to the Western Sahara, on their behalf or in consultation with their representatives.

Mr. PAYNE. Thank you very much. I would also request that the State Department look into the fishing contracts that I mentioned will go in, in March 2006, where Morocco has gone into with the EU and will be taking all of the profits.

I think my question seems to be more about why does Morocco want this territory, and it seems kind of clear to me why there is this continued refusal to go through with the referendum.

They figure they can simply stall and stall and stall and the United States, in my opinion, certainly will not raise a voice against the Government of Morocco, because as even Congressman Diaz-Balart said, they are our great friends. For no other reason than that, we should allow them to do what they want to do, more or less paraphrasing him.

I would hope that we could and just finally the self-determination, you consider it a process. I look at self-determination as a final stage. People who have self-determination are free.

These are people who are able to determine their own destiny and so there may be a little difference in philosophy of self-deter-

mination in State Department's view of being a process, where I think that it should be a final position and therefore, people have the right of self-determining their own future.

Thank you, Mr. Chairman.

Mr. SMITH. Mr. Royce.

Mr. ROYCE. Thank you, Mr. Chairman. I wanted to ask you, Mr. Gray, one of the earlier witnesses that we heard testify here said the Polisario Front continues to enjoy a long and unapologetic military relationship with the Cuban dictatorship. I wanted to ask you if that was true.

Mr. GRAY. Let me be honest with you, Mr. Congressman. You are putting me in a difficult situation because I know Congressman Diaz-Balart is an expert on Cuba. I don't claim to be. So I am certainly not going to contradict him.

At the same time, I do not have any information that is about any such recent connections, but what I would prefer to do is to take the question back to the State Department and have our experts research it so I can give a more considered and accurate answer.

[The information referred to follows:]

WRITTEN RESPONSE RECEIVED FROM MR. GORDON GRAY TO QUESTION ASKED
DURING THE HEARING BY THE HONORABLE EDWARD R. ROYCE

Cuba and the Polisario maintain relations, but we have no evidence of any ongoing military ties between the two. The relationship today focuses on educational exchanges, and Cuba (as well as a number of other countries, including Spain) offer scholarships to Sahrawi refugees so they may obtain a level of education not available in the camps.

The Polisario Front has ties with a number of other countries. Historical relations were based upon Polisario and Algerian alignment with the Soviet Union during the Cold War. The bilateral relationship between Algeria and the U.S.S.R. spanned a wide spectrum of cooperation.

UNHCR does not sponsor educational exchanges between the Sahrawi refugees and Cuba. The exchanges are organized between the Cuban Government and the Polisario Front. UNHCR has, however, included in its budget limited funds to return stranded Sahrawi school children to the refugee camps around Tindouf. The U.S. government has earmarked that its funds to UNCHR cannot be used to support this program.

Mr. ROYCE. In your briefing, before you came up, that information didn't come up?

Mr. GRAY. No, sir.

Mr. ROYCE. That is fair enough. Let me know on that front, if you would. The status of development of Western Sahara's natural resources, we discussed that a little bit. Don Payne made that point.

But what is the legality of development, given the uncertain status of the territory and what would the U.S. policy be toward the development of these resources?

Mr. GRAY. The resources of the Western Sahara that are the offshore or both?

Mr. ROYCE. Offshore and onshore.

Mr. GRAY. In the first instance, I think we would be reluctant to go against the legal opinion offered by the UN legal office. That being said, my understanding is there is conflicting precedent in both international legal opinion and in how the U.S. has applied that in the past.

Mr. ROYCE. Mr. Chairman, back to you. I thank you very much for appearing today and if you would give me a call and let us discuss this and see—

Mr. GRAY. Sure.

Mr. ROYCE [continuing]. If you can get to the bottom of it.

Mr. GRAY. I will be happy to.

Mr. ROYCE. Let me know the state of the current affairs, vis-a-vis any military relationship.

Mr. GRAY. Thank you.

Mr. ROYCE. Or whether or not that is just not true anymore. Thank you.

Mr. SMITH. Thank you, Mr. Royce.

Mr. Gray, do you want to respond? Let me ask one follow-up and then one additional question. Could you shed some additional light on the issue of the mass graves at the Moroccan prison? Were there 40? Is that what the number was that we have been led to believe? And what was our response to that discovery of those graves?

Secondly, my understanding is that the UNHCR pays for the Sahrawi students to study abroad, including in Cuba. I wonder if you can tell us how many of those students have gone to Cuba.

I would just note, parenthetically, I held the hearings on Elian Gonzalez when he was abducted and sent back to Cuba several years ago, and part of that hearing focused not only on that abduction, but on what is taught in Cuban educational bodies, elementary and secondary and higher up.

It became very clear, because we had a panel of experts that brought in very specific information about what it is indeed taught, that it is not only Marxist teaching, but there is also a loss of connection with the family.

The students become essentially the wards of the state, as they enter their teen years, and in reading volumes of it, I was greatly disturbed about the content, and content does matter.

If indeed UNHCR is providing funds, of which we are the primary donator, and I say that with gladness, because I think in most cases UNHCR is an exemplary UN organization, it would be nice to know how many and what are those students actually receiving.

Mr. GRAY. On your first question about the mass graves, when Congressman Payne raised it, I indicated I wasn't familiar with it. So I was taking his number of 43 and as I told him, I will have to look into it and get back to the Committee with an answer.

As far as the question about Sahrawi children being abducted and sent to places such as Cuba, I know that was the case in the past. I do not have any recent information to indicate that it is continuing.

Given the state of the Cuban economy, one would question whether they still have the resources to do that, but that is not positive proof that it is not happening anymore.

As far as whether UNHCR is spending funds to send Sahrawi students to Cuba, I am not aware, but I will take the question just to make sure I am giving you an accurate and comprehensive answer.

Mr. SMITH. Thank you, Mr. Gray. I do appreciate that. We do have some additional questions we would like to submit to you for

the record, if you wouldn't mind getting back to us as quickly as possible.

Mr. GRAY. Sure.

Mr. SMITH. I am looking to see if any other Members are here for questions, but apparently not. Thank you so much and I appreciate your testimony and your work.

Mr. GRAY. Thank you very much.

Mr. SMITH. I would like to now ask our remaining panelists if they would make their way to the witness table.

First, beginning with Ambassador Frank Ruddy. Ambassador Ruddy's diplomatic experience includes his service as U.S. Ambassador to Equatorial Guinea and as Deputy Chairman for the Referendum UN Peacekeeping Mission in Western Sahara, MINURSO.

He also served as Assistant Administrator for Africa at U.S. Agency for International Development. Mr. Ruddy previously served as General Counsel at the U.S. Department of Energy and Deputy General Counsel at USIA and as a Senior Attorney in the Office of Telecommunications Policy at the White House.

We will then hear from Mr. Erik Jensen, who is retired as the Undersecretary General of the United Nations, Special Advisor to Secretary-General Kofi Annan in 1998.

Previously, he was the head of the UN Peacekeeping and Political Mission in Western Sahara, acting also as the Secretary-General's Special Representative in the region.

In 1993, he was assigned as Chairman of the Identification Commission in Western Sahara. Mr. Jensen also served as the Director and Deputy to the Undersecretary General, Special Representative for Public Affairs in the Office of the Secretary-General at the UN headquarters in New York, and as Assistant Coordinator of International Cooperation for Chernobyl.

We will then hear from Mr. Ali El Jaouhar, who was born in Morocco in 1972. Mr. El Jaouhar graduated from Morocco's Royal Military Academy with the rank of Lieutenant and a degree in Military Studies. During his time at the academy, Mr. El Jaouhar received a certificate in Languages and English Literature at the Faculty of Letters and Human Sciences in Fez.

During his military service, Mr. El Jaouhar specialized in mechanics, participated in law enforcement operations in the Southern Zone and was stationed in Mauritania for military cooperation exercises before going to battle in Western Sahara where he was captured and taken prisoner.

If you could begin, Mr. Ambassador.

STATEMENT OF THE HONORABLE FRANK RUDDY, FORMER DEPUTY CHAIRMAN OF THE REFERENDUM FOR WESTERN SAHARA (MINURSO), UNITED NATIONS

Mr. RUDDY. Thank you very much, Mr. Chairman and Distinguished Members. I am not a professional diplomat. I am a lawyer here in Washington, but I did have some diplomatic positions during the Reagan Administration, as you noted.

I seem to have become the world's greatest authority on former Spanish colonies in Africa, which is where I served, first as Amba-

sador in Equatorial Guinea and later in Spanish Sahara, which is now known as Western Sahara.

I just would like to say that as an American, it has been very disappointing for me to see in those countries where I have served that our Government is supporting the thugs who run them.

My purpose here is just to tell you about my experience in one of those places, Western Sahara, which is run by a government which is both illegal and brutal, but in the words of Congressman Payne, a great ally of the United States.

In 1994, the UN hired me to run a referendum in Western Sahara. I thought they were serious. Maybe they were at the time, but the referendum was and continues to be one of those colossal flops that makes the UN appear ridiculous in the eyes of so many.

The UN's task was simple enough: Hold a referendum. Allow the people of Western Sahara to decide whether to be independent or part of Morocco, or so it seemed.

In the event, however, the UN turned over control of the referendum to Morocco. There really is no other way of describing what happened. Morocco dictated the where and when of the voting, registration. They controlled entry to the UN registration facilities and even decided which Western Saharans got to register.

Moroccan observers at the voter registration sessions had observed quite accurately that the people of Western Sahara wanted independence, not integration with Morocco.

The way for Morocco to deal with that unpleasant reality was to postpone the referendum indefinitely, until it appeared unworkable, leaving Morocco just where it was, controlling Western Sahara.

Toward the end of my year in Western Sahara, I was instructed to make my reports jointly to the UN Secretary-General's representative and the Moroccan representative. There was no longer even the pretense of an independent UN mission in Western Sahara.

One was justified, I think, in being cynical in the face of the UN's high falutin language and do-nothing results, but when it was announced that former Secretary of State Baker was undertaking to get the referendum back on track, I was impressed. More than impressed. I was hopeful that for the first time in a very long time something could happen. Something good could happen there.

I attended the Capitol Hill conference he held and I eagerly read the reports of his meetings in Morocco, Algeria, Lisbon, and London. He would resolve the impasse or, as he said, he would at least identify who was holding up the referendum. He was the great hope for a peaceful settlement.

We now know that Secretary Baker has not only failed to get the referendum back on track, but failed to identify who was holding up the referendum. He proposed a 5-year plan, a period of so-called autonomous rule by the Western Saharans under the benevolent eye of the Moroccans, of course, to be followed by a referendum.

If after 10 years and more than \$500 million spent, the UN was unable to hold a simple referendum, what kind of quixotic reasoning could justify putting one's faith in some other referendum 5 years hence, during which time the Moroccans continue to run ringers into Western Sahara?

The Baker proposal was so clearly in Morocco's favor that no one expected the Sahrawi to accept it, but amazingly they did, in a gesture of conciliation.

The Moroccans, for whom the proposal was a leontine pact, rejected it. Go figure. We have a member of the panel actually who has already left, Toby Shelley, who has forgotten more about that whole issue than I will ever know.

A famous Roman talked of great expectations and meager results: "The mountains are in labor and a mouse is brought forth." We expected a great diplomatic coup from Secretary Baker's intervention, but sadly he has presented us with a diplomatic mouse.

It is appropriate that we meet here this month, because as it has already been alluded to, we recognize—we can hardly say celebrate—the 30th anniversary of Morocco's invasion of Western Sahara.

We can't say celebrate, unless we also celebrate Germany's Anschluss in Austria, which as the British journal, *The Economist*, said, Morocco's invasion most resembles.

A point that I made 10 years ago when I testified here was the enormous waste of money, then at \$100,000 a day. At that time, that was a scandalous amount. Today, after the Volcker report on the UN Oil-for-Food scandal, it is chicken feed, but there are some similarities.

Kofi Annan, who as Secretary-General, presided over the Oil-for-Food scandal, was head of UN peacekeeping and therefore MINURSO and he exhibited the same management dereliction, vis-a-vis the waste of money in MINURSO as would later be documented in the Volcker report.

In the statement that I gave for the record, I outlined some of the charges relating to some of the situations that existed in MINURSO and I noted that I had sent them to him in a fax and offered to talk to him about them in December 1994, when I expected to be in New York. His return fax said simply that what I had observed, the abuses that I observed in MINURSO 10 years ago were not serious.

However, what I observed 10 years ago was verified by Human Rights Watch, by Amnesty International, by various journals, including the *New York Times*, *The Economist*, and so on. And so I guess it is for the Members of the Committee to decide whether Kofi Annan is correct in labeling them not serious or whether you find them serious.

It is late in the day and there are other speakers who have things to say and they are very important to say, but a couple of points I will make and then I will relinquish the floor.

One of the important issues is that Morocco has justified its invasion of Western Sahara on an authorization from the World Court. It says that more or less the World Court had agreed that they were right in asserting their sovereignty over Western Sahara back in 1975.

One point I want to make is, the court did no such thing, and I invite all of you to read that decision. The court did say two things: That Morocco's historical ties with Western Sahara were not sufficient to establish sovereignty over the area, and the referendum first envisioned by the Spanish should go forward.

In the situation that I saw in my role in MINURSO running the referendum, a couple of things were very clear. The Sahrawis were disenfranchised by the Moroccans. The Sahrawis were terrorized by the Moroccans.

They would come to us and ask to be observed so that in case something happened, in case they disappeared, there would be someone to take account of that.

These comments reminded me of nothing so much as when I was in South Africa in the early 1970s with Roy Wilkins and people would come and talk to us freely in the Embassy, in the safety of the Embassy, and then ask that we keep an eye on them; and of course when we would meet them up on the streets, they would pretend that we had never met, because that was the safe thing to do.

The other thing I noted and gave in my testimony 10 years ago were the delaying tactics of the Moroccans. They realized early on that any referendum that was held was going to favor the Sahrawis, and so it then became quite important for them that there not be a referendum.

One of the sort of curious things was at one point the referendum process was halted for 2 weeks at \$100,000 a day by the Moroccan overseer, like something out of Moliere, because he disagreed with the use of an adverb used in one of the notices. The Moroccan representative boasted quite publicly that he could stop the referendum and start it any time he wanted and demonstrated that quite clearly.

I refer you again to my testimony that I gave 10 years ago, which is summarized in the statement I gave for the record today.

A couple of little things. The Moroccans demanded that the UN flag be taken down from the voting area, and to my left is Erik Jensen, who actually carried that out.

Moroccan journalists were asked to be allowed into the voting areas so that they could produce films for television. They were in fact from Moroccan security and they were used simply to take the pictures of all the Sahrawis who were there. Not 1 second ever appeared on television.

The MINURSO phones were tapped. We found those taps on local and international lines. Our mail was interfered with and MINURSO personnel were regularly searched.

All of this more or less happened because the Moroccans had more or less a free reign on the facility, on the MINURSO facilities.

In any event, I had outlined all of this in a fax to Kofi Annan. He replied saying that it was not serious. Once I testified, somehow this testimony went all over the world and became the cover of *Jeune Afrique* and things like that.

Then they decided that they better have an inspection of this whole thing and they did have an inspection. It was of course laughable, but just to give you one example, the UN inspector's representative questioned a woman by the name of Mara Hana and told her that if she answered the questions truthfully she would never work for the UN again.

She acknowledged that, by the way, in this building a few years ago. She didn't work for the UN again.

In the words of John Bolton, the inspection report should have been discredited before the ink on it was dry. Fortunately Ambassador Cardenas, who was on the Security Council at that time, referred to the tall tales coming out of the inspector's office and of course he set out to do an inspection of his own.

In any event, Human Rights Watch and some of these others have done pretty thorough reports on just how disreputable this whole situation was. This is in the past.

I haven't seen any real improvements in the attitudes of MINURSO since then and I would just add, parenthetically, that having heard Secretary Gray, I don't have any great hopes for the State Department accomplishing anything in this.

Their attitude seems to be, we are going to send Morocco a strong note verbally and if they don't respond, well then we will send them another one and that will be the end of it.

Anyway, thank you very much. I apologize if this took too long. I tried to cut it down and thank you very much for hearing me.

[The prepared statement of Mr. Ruddy follows:]

PREPARED STATEMENT OF THE HONORABLE FRANK RUDDY, FORMER DEPUTY CHAIRMAN OF THE REFERENDUM FOR WESTERN SAHARA (MINURSO), UNITED NATIONS

Mr. Chairman, Committee Members, I spoke in this building 10 years ago thanks to the late Chuck Lichenstein, a former U.S. ambassador to the U.N. and deputy to Jeane Kirkpatrick. He felt so strongly about my message that he gave me his place to speak on that day's panel.

In 1993 the U.N. hired me to run the referendum in Western Sahara. I thought they were serious. Maybe they were at the time, but the referendum was, and continues to be, one of those colossal flops that makes the U.N. appear ridiculous in the eyes of so many.

The U.N.'s task was simple enough: Hold a referendum to allow the people of Western Sahara to decide whether to be independent or part of Morocco. Or so it seemed. In the event, however, the U.N. turned over control of the referendum to Morocco. There really is no other way of describing what happened. Morocco dictated the where and when of the voting registration, controlled entry to the U.N. registration facilities, and even decided which Western Saharans got to register.

Moroccan observers at the voter registration sessions had observed quite accurately that the people of Western Sahara wanted independence, not integration with Morocco. The way for Morocco to deal with that unpleasant reality was to postpone the referendum indefinitely until it appeared unworkable, leaving Morocco just where it was, controlling Western Sahara.

Towards the end of my year in Western Sahara, I was instructed to make my reports jointly to the U.N. Secretary General's representative and the Moroccan representative. There was no longer even the pretense of an independent U.N. mission in Western Sahara.

What I described in Western Sahara was not some personal insight. Morocco's abuse of the people of Western Sahara and its manipulation of the U.N. mission in Western Sahara was open and notorious. The U.N. mission was a laughing stock at diplomatic cocktail parties in Rabat. The U.S. Station Chief in Rabat asked me during the 4th of July festivities whether the Moroccans had bought off the head of our mission or was he just that blanketed blank weak. The mission's abandonment of a free and fair referendum was common knowledge to all the peacekeeping soldiers assigned to the mission as well as to the U.N. staff. That is the reason Chris Hedges of *The New York Times* had no trouble exposing the referendum for the sham it was in his March 1995 article. Similarly, in that same year, Human Rights Watch was able to publish a damning 40-page report on the Moroccan-dominated referendum.

One is justified, I think, in being cynical in the face of the U.N.'s high falutin language and do-nothing results, but when it was announced that former Secretary of State Baker was undertaking to get this referendum back on track, I was impressed. More than impressed. I was hopeful for the first time in a very long time. I attended the Capitol Hill conference he held, and I eagerly read the reports of his meetings in Morocco, Algeria, Lisbon and London. He would resolve the impasse or,

as he said, he would at least identify who was holding up the referendum. He was the great hope for a peaceful settlement.

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A famous Roman talked of the discrepancy between great expectations and meager results: "The mountains are in labor, and a mouse is brought forth." We expected a great diplomatic coup from Secretary Baker's intervention but, sadly, he has presented us with a diplomatic mouse.

It is appropriate that we meet here this month because we recognize, we can hardly say celebrate, the 30th anniversary of Morocco's invasion of Western Sahara. We can't say celebrate unless we celebrate Germany's Anschluss of Austria, which, as the British journal *The Economist* said, Morocco's invasion most resembles.

One point I made 10 years ago was the great waste of money in the referendum, then estimated at \$100,000 a day. At that time, this was a scandalous amount. Today, after the Volcker Report on the U.N. Oil for Food Scandal, it is chicken feed. But there are some similarities.

Kofi Annan, who as Secretary General presided over the Oil for Food Scandal, was head of U.N. peacekeeping and therefore Minurso, and he exhibited this same management dereliction vis-a-vis the waste of money in MINURSO as he would later be documented in the Volcker Report.

What I had observed in MINURSO can be summarized briefly, and you can decide for yourselves whether it was in Kofi Annan's words "not serious," or very serious indeed. What I described 10 years ago was later verified by Human Rights Watch, Amnesty International, various journalists, including *The New York Times*, *The Economist*, and on and on.

MINURSO:

In 1994, our State Department nominated me to help run a referendum in a U.N. mission called MINURSO in a no-man's land called Western Sahara, located just where the name suggests. The referendum was to let 100,000 people living there decide whether to be an independent state or part of Morocco. If ever there was a job ready-made for the U.N., this was it, or so it seemed. The referendum was originally scheduled for January 1992, and even today, 13 years and over a half billion dollars later, the referendum is dead in the water, or rather in the hot Saharan sand, but the U.N., like the Energizer, Bunny, just keeps going and going and going, pouring millions of dollars each month into a mission that is doing so little that if all of its employees went on strike, no one would notice.

Worse than the extravagant waste of money on this mission over the years in the U.N.'s duplicity in managing it: the U.N. has sold out the nobodies, the 100,000 Saharans for whose right to self-determination the referendum was to be held, to keep favor with a somebody, King Hassan II of Morocco, who invaded Western Sahara 30 years ago, lost his claim to the territory in the World Court, and ordered his old chum and fellow North African, Boutros Boutros-Ghali, to provide a U.N. fig leaf to cover Morocco's naked aggression and occupation of Western Sahara. And this is an important point. To hear the Moroccans tell it themselves, or through their million dollar K Street lobbyists, the World Court ruled in Morocco's favor back in 1975. The Court did no such thing, and I invite all of you to read the decision. The Court said two things. Morocco's historical ties with Western Sahara were not sufficient to establish sovereignty over the area, and the referendum first envisioned by the Spanish should go forward.

WHAT WENT WRONG IN THE REFERENDUM:

Our own (Identification Commission) Arabic speakers came to me to report that Sahrawis coming in for what is called identification were complaining to them (in Hassania, the local Arabic dialect) that members of their families and friends had filled out applications at the Moroccan-run centers but did not appear on the list of people to be identified, and hence were disenfranchised. Others complained that rel-

atives and friends were on the list to be identified, but the Moroccans refused to put them on the van. Let me explain: Only those local people who are cleared by the Moroccans were permitted to enter the MINURSO Identification center, or the U.N. offices at all, for that matter. The police kept everyone else away. People coming to be identified on a given day can't just walk in. They are rounded up by the Moroccans at some central point and sent by van to the MINURSO identification center.) In this way, the Moroccans controlled who got identified. That's just not the way it's supposed to be, and that's not the kind of the process the U.N. is supposed to be funding. All of this was reported within channels at MINURSO.

This is the same reason, by the way, we were unsuccessful in inviting Sahrawis to fill out voter application at our centers. Nobody was allowed anywhere near us without Moroccan Government approval.

One other observation: Some Sahrawis who reported what the Moroccans were doing to them asked that our U.N. people keep an eye out for them after they left, in case they disappeared. Many said they were scared for their lives if the Moroccans saw them talking to U.N. people. Others asked not to be recognized outside the U.N. center. Terrorized is not too strong a word; they were afraid. Their comments reminded me of nothing so much as South Africa in the early 70's when blacks would talk to you freely in the safety of the U.S. embassy, and then pretend they didn't know you as soon as they left.

Morocco didn't and doesn't want the referendum because the risks outweigh any possible gains. The status quo is not so bad. On the other hand, Morocco cannot afford to appear to be the villain of the piece and will find the means to slow the process down until everyone is sick of it. I merely note that in December 1994, like something out of Moliere, Morocco halted the identification process for over a week, at a cost, once again, of \$100,000 per day, on the question of an adverb used in a schedule proposed by MINURSO. This resulted in an exchange of formal letters and a good deal of sophomoric quibbling. If Morocco had been interested in clarifying the matter, as opposed to simply delaying the process, it seemed to me it could have been done so in two minutes in a phone call of meeting with the native-French speaker, a former Togolese ambassador, who drafted the letter.

In the same month, the Moroccan liaison officer with MINURSO, Mohammed Azmi, bragged publicly to a group of MINURSO people in a bar that he alone was the one to decide whether identification would go forward the next day (it was then scheduled to resume) and, to prove his point, he picked up the phone (it was then about midnight) and, in front of everyone, cancelled the next week's identification sessions.

These are not the actions of people serious about getting the referendum on track or saving the U.N. money.

The identification process was supposed to begin on June 15, 1994, but the start was delayed two-and-a-half months, at a cost of millions of dollars, while the U.N., the POLISARIO and Morocco negotiated over what to call the O.A.U. representatives who were to come to observe the identification. The Moroccans had walked out of the O.A.U. years ago when it recognized the Sahrawi Arabic Democratic Republic created by the POLISARIO and now said they didn't want O.A.U. people in Western Sahara. The POLISARIO insisted the O.A.U. representatives were part of the referendum process and had to be there. In the end a compromise about what they were to be called was reached, and they were permitted to enter. The irony is that this had all been worked out in 1993 so there was no need, as far as any of us could see, except delay for the said of delay, to reinvent the wheel in 1994.

THUGGERY:

Each person who went before the Identification Commission got a receipt, and when the findings are made public, the persons who are found eligible were to vote turn those receipts in for a voter's card. What was happening in Laayoune is that Sahrawis returning from the identification centers on those same vans I was talking about earlier were being forced to turn in their receipts to the Moroccans before they could leave the vans. This opened up the very real possibility that the wrong people would be able to present receipts to get voter cards, i.e. voter fraud.

The identification process began in earnest on August 28, 1994, simultaneously in Western Sahara and Southern Algeria. One can say that surely, as of this date, MINURSO ceased to be a U.N.-run operation and became the instrument for Morocco's domination of the identification process.

You need government permission to buy space on Moroccan media, and Morocco had always denied MINURSO permission to buy space in the Moroccan newspapers or radio to alert people to register to vote and participate in the identification process. That was small potatoes compared to what was to come after August 28. Harold

Macmillan once referred to how the Borgia brothers would take over a Northern Italian town. Watching the Moroccans at work, I thought of that description.

SOME FOR INSTANCES:

On August 27, the evening before the process began in Laayoune, the Moroccan Liaison with MINURSO upbraided the MINURSO Chief-of-Mission, Mr. Jensen, in a public dining room before Moroccans and MINURSO staff and directed him to remove all U.N. flags from the U.N. building where the identification was to take place, or he would close down the identification. Unfortunately, the Chief-of-Mission gave in and even the U.N. flag in the room where the opening ceremony was to place was removed. This shameful event was probably too embarrassing to report to U.N. Headquarters in New York. In any event, it never was.

During the days of the opening sessions in Laayoune, Moroccan "journalists" photographed and videotaped every minute of every day and took the picture of each Sahrawi who came to be identified. These "journalists" were, as our press people and the head of our police observers (CIVPOL) noted, Moroccan state security people. The proof was that not one second of these hours of television coverage ever appeared on Moroccan television.

A few weeks later, telephone taps were found on local and all international lines at MINURSO headquarters. The taps went to a local Moroccan line. This was hushed up. There was no investigation, but the person most likely to have installed the taps was transferred immediately. Mail had regularly been tampered with, and rooms of MINURSO personnel were regularly searched. But this was a new wrinkle. Big Brother was now listening to, as well as watching, us.

In the following weeks, Morocco dictated even our work and flight schedules. When the Moroccan observers chose to be in Western Sahara, we worked. The Moroccans also insisted that U.N. planes fly empty, and at great expense, from Laayoune where the planes are based, across the desert to the POLISARIO camps at Tindouf in order to demonstrate their control of the process.

In Laayoune, the Moroccans treated the U.N. identification facilities as their own, running groups of visiting firemen in whenever they like and keeping the facilities open, if that's what it takes, to accommodate late arrivals. On one occasion, when the Moroccan liaison with MINURSO arrived at the identification center, he was furious to find he had to wait a few moments for the gate to be unlocked so he could enter what he called "chez moi," my place. And that is how the Moroccans have been permitted, through MINURSO timidity, to think of the U.N. facilities in Laayoune.

In summary, during my time in Western Sahara, Morocco conducted, without a raised eyebrow from Boutros-Ghali's handpicked representative who ran the referendum, a campaign of terror against the Saharan people. As noted earlier, I had not seen the likes of it since I observed the apartheid government in South Africa in action against blacks when I visited there with Roy Wilkins in the early 70's. Morocco did not simply influence the referendum—they controlled it—down to what days the mission worked. Morocco tapped U.N. phones, intercepted U.N. mail, and searched the living quarters of U.N. staff with impunity. More importantly, the Moroccan authorities disenfranchised Saharan voters right and left and substituted Moroccan ringers in place of bona fide Saharan voters.

Outsiders like me, but also U.N. contract employees and veteran U.N. professionals, documented these outrages to Boutros-Ghali's representative in MINURSO, but they were never acted on. Boutros-Ghali's man did not have the . . . gravitas (that wasn't my first choice) to take on the King's gangster-in-chief in Western Sahara, a charming and ruthless *flic*, like Captain Segura, Batista's police chief in Graham Greene's *Our Man in Havana*.

His inspection was a whitewash of the mission, as expected, but as unexpected, the inspection report was laughable, literally. One doesn't expect to find much mirth in U.N. documents, but this was an unintended exception. For example, Colonel Dan Magee, who commanded U.S. troops in MINURSO, had complained that a senior mission official was slandering U.S. troops, publicly referring to them all as "a bunch of thieves." Magee thought the U.N. Inspector General would be interested to hear about that kind of bigotry. Magee was wrong. The Inspector General found that the senior mission official was in the habit of disparaging lots of nationalities, not just Americans, and concluded in his report that since the official was an equal-opportunity bigot, Magee didn't have a leg to stand on. Incredible. But, as Casey Stengel used to say, "You could look it up." Another MINURSO staffer, a Lebanese-American named Mari Hanna, was told by the Inspector General's man: "If you answer these questions truthfully, you'll never work for the U.N. again." She did answer truthfully, and as she declared in this building, she has been barred by the U.N. ever since.

The Security Council, under the leadership of Argentinean Ambassador Emilio Cardenas, rejected the Inspector General's Inspector Clouseau-like report within days of its appearance. According to *The Washington Post*, Ambassador Cardenas characterized the inspection report as "tall tales coming out of MINURSO," and the Security Council sent its own team to the mission to find what the Inspector General should have found.

The reason the original inspection report was done so poorly was because, as he later acknowledged, the U.N.'s Inspector General really wasn't allowed to do a lot of inspecting. He was prohibited, for example, from looking into the possibility that Morocco was behaving improperly in the referendum because Morocco was a member of the club, of the U.N., and the U.N. Inspector General is not allowed to risk embarrassing a member state by investigating whether it was stealing the U.N.'s referendum. It was rather as if a special prosecutor, in carrying out his investigation, were prohibited from investigating possible felonies by his peers—anyone, let's say, who holds a high post in the federal government, because it might offend him. Absurd, but welcome to the U.N.

In October 1995, Human Rights Watch based in New York published its 38-page *Report on MINURSO*, and it is devastating, documenting blatant human rights violations and vote fraud carried out right under the figurative nose of the mission. The mission and U.N., as expected, were in denial.

Perhaps the best "minute particular" of business-as-usual at the U.N. was being invited, and then uninvited, to address the 4th Committee of the U.N. General Assembly on October 12, 1995. That's the committee on COLONIALISM! Does that tell you something? (Western Sahara, by the way is the world's and Morocco's last colony.) Boutros-Ghali personally intervened to see to it that the 4th Committee did not hear what I had to say about MINURSO. I was, I am told, the first person ever barred from speaking before that committee in the U.N.'s 50-year history, but, at least, I'm in good company. Boutros-Ghali also barred Chinese dissidents from even entering the U.N. I could at least get in—I just couldn't say anything when I got there. But think about that the next time you hear some U.N. official talk about reforming the U.N. Boutros-Ghali prevented the 4th Committee, composed entirely of member states of the U.N., from hearing someone who just might have been able to tell them why they were wasting a quarter billion dollars on a mission and referendum going nowhere.

One nice final touch about the U.N. that all of us U.S. taxpayers are supporting: When former U.S. Attorney General Dick Thornburgh was serving as Undersecretary for Management at the U.N., he submitted to Boutros-Ghali a report for streamlining the U.N., eliminating waste and fraud and saving hundreds of millions of dollars. Boutros-Ghali, as Thornburgh has stated publicly, had the report suppressed and the remaining copies shredded.

But I don't want to leave on a downer. I am not ant-Morocco. In many respects they have been a good ally. They even claim (erroneously) they were our first ally against the British. My problem with them is that in Western Sahara they have invaded illegally as Indonesia did in East Timor, and once there Morocco has behaved like gangsters, like the Mafia.

It is sad for me as an American to see in those countries where I have served, in Equatorial Guinea and Western Sahara, that our government is supporting the thugs who run those places and ignoring the good people who want and deserve better.

We now have John Bolton at the U.N. He knows where the bodies are buried, and he is a no-nonsense law who worked on the Baker Plan with Secretary Baker. If there were ever a reason to hope for real reform in the U.N. and for a just settlement for Western Sahara, John Bolton is that reason.

Thank you very much.

Mr. SMITH. Ambassador Ruddy, thank you so very much for your testimony and just would note parenthetically myself that when you talked about Kofi Annan getting a fax from you, let us not forget the other fax that was paid no attention to, the famous General De'Laire fax.

Mr. RUDDY. Of course. Absolutely.

Mr. SMITH. I would like to go to Mr. Jensen now, who I think would be next on the list.

**STATEMENT OF MR. ERIK JENSEN, FORMER HEAD OF THE
UNITED NATIONS MISSION TO WESTERN SAHARA
(MINURSO), UNITED NATIONS**

Mr. JENSEN. Mr. Chairman, thank you very much. May I, before making my proposed statement, just address a few points raised by Mr. Ruddy just now?

Mr. SMITH. The time is yours. Please proceed as you wish.

Mr. JENSEN. I feel, since there were some fairly specific charges, it would be just as well perhaps to draw attention to them as I see them.

Mr. Chairman, Mr. Ruddy who served under me in fact in Laayoune in 1994, before he left at the end of the year, was there when we launched the identification process.

I am the first to admit that it was extremely difficult, that we ran into a great deal of problems. We ran into problems in fact on both sides, but perhaps the Moroccans were a little heavier-handed, were a lot heavier-handed perhaps in trying to come to terms with the process, which they had no idea how it was going to end.

Now the fact that Mr. Ruddy then left in December 1994 and since then I can categorically state that there was a very, very significant improvement and the fact that the final outcome of the MINURSO identification process in fact produced exactly the product that Morocco had been so afraid would happen. So they didn't succeed in stopping that at all.

So it did have a slightly different evolution I think. I quite understand that he sees it that way. It did look, during those first 2 or 3 months, extremely difficult, but we did get over that particular problem and things, I think, ended up on a slightly happier note.

Mr. Chairman, having said that, I would like now to make the statement that I had prepared and address myself to you, Sir, and the Distinguished Members of this Committee.

Thank you very, very much indeed for inviting me to come to speak about Western Sahara. This is an issue with which I have been very, very closely involved in a variety of capacities for the last 12 years.

I was actually in the Western Sahara for 5 years and from 1994 to 1998 I headed the UN mission there. Given today's time constraint, I will try to keep it quite short.

I am, first of all, totally convinced, and others have said so this afternoon as well, that the time really has come, indeed it has come for a long time, to arrive at a negotiated political settlement and I believe very strongly that there is only one country that can try and help make this happen, and that is the United States.

The referendum originally called for the by UN Security Council was part of the settlement plan of 1991. It failed to happen. It is not going to happen.

There are two main reasons for this. One, both Morocco and Polisario officially agreed to the settlement plan. In reality, however, and there are documents to make this clear, in reality they agreed to irreconcilable interpretations as to who should vote.

Two, the Security Council never sought to impose a solution. They never hinted at sanctions. It simply appealed to the parties to cooperate voluntarily. That was the basis on which we had to work.

When the conflict erupted in 1975, Morocco was in the Western camp, close to the United States. Polisario, supported politically and in other ways by Algeria, Libya, as well as Cuba, as we have been hearing, closer to the other camp.

It was only when the Cold War ended, a long time after 1975, it was only then that the Security Council felt sufficiently optimistic that a political compromise could perhaps bridge the contradictions between the parties.

What were these basic contradictions? For its part, Polisario demanded an electoral role based on the census taken in the territory by the Spanish colonial administration in 1974.

Morocco, on the other hand—this is very important—insisted that there was no distinct Western Saharan identity; that Spanish colonialism and only Spanish colonialism had created arbitrary subdivisions; that the people belonging to the Sahrawi/Saharan tribes were spread throughout the region, including Southern Morocco, and a great many of these were outside the territory during the census. The fact that several key leaders of the Polisario movement were themselves outside the territory, in fact being educated at universities in Morocco, is an example of that.

What Polisario and Morocco did agree to, and they both agreed to, was a cease-fire and I think whatever people may say about MINURSO, the fact that this has been successfully UN-monitored ever since, with very minor violations, is quite an achievement.

Then in 1994, they accepted to begin the process to get to a referendum. What we counted on then, knowing the difficulties, knowing the irreconcilable positions, what we counted on then, this was very much my own conviction, was that if we could get them both engaged in a process that that would help build confidence and improve prospects for a negotiated compromise.

Having the parties move forward toward a referendum was, as everybody knows, an uphill struggle and it was only Secretary Baker's personal involvement, some years later, that enabled the prolonging of the original plan, until he too was forced to the same conclusion, that neither party would voluntarily commit to a referendum based on an electoral role other than the one it had chosen.

Recognizing that the parties would never agree to a common voter list, Baker, as we know, supported by the United States, France and others, began trying to get the parties to negotiate a political solution.

Baker's framework agreement, his first proposal in that respect, was accepted by Morocco, but rejected by Polisario. Baker's second Peace Plan, as it is called, has not been agreed by Morocco, on the grounds that this is not a negotiated political solution.

Algeria and Polisario argued that it should be implemented. Indeed I saw a report that Polisario has actually called for UN sanctions to impose the plan.

The Security Council is unwilling to impose it. The international community, through the council, has again made it clear that it will not impose a solution. That it will not resort to sanctions, much less force, to compel Morocco and Polisario and Algeria to act against their perceived interests.

The Security Council has only recently reaffirmed its commitment to achieving a just, lasting and mutually acceptable solution.

Mr. Chairman, this conflict has gone on for 30 years. Thousands of Sahrawis living in refugee camps in extreme desert conditions for a whole generation, hundreds born there. They have virtually no opportunity, as many know, for gainful employment. No prospects? It is grim. I know. I have been there many times. I have spent time there. These are fine people and they deserve better.

Algeria is now acting to put behind it long, vicious civil warfare, in a country of great natural resources and human potential.

Morocco, I think it is fair to say, has been making very significant advances in respect for human rights, freedom of the press and effective democracy, but suffers from high unemployment, especially among young people.

Mauritania, a vast land, sparsely populated with proven reserves of oil, recently experienced a coup.

This is a region of enormous potential, as well as strategic importance and one could I think say with reform-minded leaders today. Such was not the case in the past.

It is also highly vulnerable, highly vulnerable to disruptive elements and Islamic extremism. Frustration at the lack of progress, lack of progress leading to renewed fighting could have disastrous consequences.

The enduring costly dispute over Western Sahara remains the greatest obstacle to stability in the region and to its development.

I am convinced that in the interest of all, a negotiated political settlement involving a genuine degree of regional autonomy for Western Sahara, which would be subject to referendum, offers the most credible solution.

Morocco's King is now open to that idea. He is committed to it. That would recognize the wider political realities and it would facilitate integration of the Maghreb, leading to economic and social development, strengthening security alliances, not only the best weapon in the war against terror, but extremely helpful in furthering democracy and in tackling the serious migration problems which have arisen recently.

The United States, and it is really only the United States, can help promote this resolution. It has powerful interests and potential influence in Morocco—we have heard a lot about the alliance with Morocco—and also enormous interests in Algeria.

I hope profoundly that this Committee would add its voice to that of the U.S. Administration and the Governments of France and Spain, both of which have recently spoken out on the subject, and call on Morocco and Algeria to initiate direct negotiations.

Talks could explore various successful models for regionalization with varying degrees of autonomy, for example.

Mr. Chairman, I think they need to begin as soon as possible.

Thank you very much.

[The prepared statement of Mr. Jensen follows:]

PREPARED STATEMENT OF MR. ERIK JENSEN, FORMER HEAD OF THE UNITED NATIONS MISSION TO WESTERN SAHARA (MINURSO), UNITED NATIONS

Mr. Chairman, distinguished members of this Committee, thank you for inviting me to speak about Western Sahara, an issue on which I have worked these last

twelve years, five of them in the Sahara, where I headed the UN mission from 1994 to 1998. Given today's time constraint, I will keep it short.

The time has come for a negotiated political settlement. The US could help make this happen.

The referendum called for in the UN Security Council settlement plan of 1990–91 has failed to happen—and will not happen. For two main reasons:

One. Both Morocco and Polisario officially agreed to the settlement plan. In reality, however, they agreed to irreconcilable interpretations as to who should vote.

Two. The Security Council never sought to impose a solution, never hinted at sanctions. It simply appealed to the parties to cooperate voluntarily.

When the conflict erupted in 1975 Morocco was in the Western camp, close to the US. Polisario was supported politically and in other ways by Algeria, Libya and Cuba, closer to the other camp. But when the Cold War ended, Security Council Members became optimistic that a political compromise would bridge the contradictions between the parties.

For its part, Polisario demanded an electoral roll based on the census taken in the territory by the Spanish colonial administration in 1974.

Morocco, on the other hand, insisted that there was no distinct 'Western Saharan' identity. Spanish colonialism had created arbitrary sub-divisions. The people belonged to Saharan tribes spread throughout the region, including Southern Morocco, and many were outside of the territory during the census.

Polisario and Morocco did agree to a cease-fire (successfully UN-monitored ever since with only minor violations) and accepted in 1994 to begin the process to get to a referendum. We counted on engagement to build confidence and improve prospects for a negotiated compromise.

But having the parties move toward a referendum was an uphill struggle. Only Secretary Baker's involvement enabled prolonging the original plan until he was forced to the same conclusion that neither party would voluntarily commit to a referendum based on an electoral roll other than the one it had chosen.

Recognizing that the parties would never agree to a common voter list, Baker, supported by the United States, France and others, began trying to get the parties to negotiate a political solution. Baker's framework agreement, his first proposal, was accepted by Morocco but rejected by Polisario. Baker's second, "peace", plan has not been agreed by Morocco on the grounds that this is not a negotiated political solution, while Algeria and Polisario argue that it should be implemented, indeed Polisario is reported as calling for UN sanctions to impose the plan.

The Security Council has been unwilling to impose it. The international community, through the Council, again makes clear that it will not impose a solution, that it will not resort to sanctions, much less force, to compel Morocco and Polisario and Algeria to act against their perceived interests. It has only recently reaffirmed its commitment to achieving a just, lasting and mutually acceptable solution.

This conflict has gone on for thirty years: thousands of Saharans living in refugee camps in extreme desert conditions for a whole generation, hundreds born there. They have virtually no opportunity for gainful employment and no prospects. It is grim; I know from experience. These are fine people who deserve better.

Algeria is acting to put behind it long and vicious civil warfare, in a country of great natural resources and human potential. Morocco has been making significant advances in respect for human rights, freedom of the press and effective democracy but suffers from high unemployment especially among young people. Mauritania, a vast land sparsely populated, with proven reserves of oil, recently experienced a coup. This is a region of enormous potential as well as strategic importance, with reform-minded leaders. It is also highly vulnerable to disruptive elements and Islamic extremism.

Frustration at the lack of progress leading to renewed fighting could have disastrous consequences.

The enduring, costly dispute over Western Sahara remains the greatest obstacle to stability in the region and its development.

In the interest of all, a negotiated political settlement, involving a genuine degree of regional autonomy for Western Sahara, which would be subject to referendum, offers the most credible solution. Morocco's king is now open to that idea. It would recognize the wider political realities and facilitate integration of the Maghreb leading to economic and social development and strengthening security alliances—not only the best weapon in the war against terror but helpful in furthering democracy and tackling serious migration problems.

The United States can help promote such a resolution. It has powerful interests and potential influence in both Morocco and Algeria. I hope this Committee will add its voice to that of the US Administration and the governments of France and Spain and call on Morocco and Algeria to initiate direct negotiations. Talks could explore

various successful models for regionalization with varying degrees of autonomy. They need to begin as soon as possible.

Mr. SMITH. Mr. Jensen, thank you so very much.
Mr. El Jaouhar.

STATEMENT OF MR. ALI EL JAOUHAR, FORMER MOROCCAN PRISONER OF WAR

Mr. EL JAOUHAR. My name is Ali El Jaouhar. I was an infantry officer in the Moroccan Army and a prisoner of war for 23 years.

Mr. Chairman, I would like to thank you for working to solve this issue on our behalf. Mr. Chairman and Distinguished Members of the Committee, I am honored to be here today and I appreciate the opportunity you have given me to speak before this great institution.

I am not a politician. I am not a diplomat. I am not a scholar. I was a soldier, held by the Polisario Front, for 23 years, until 1 year ago. I am here to tell you my story.

Today I live in a small village in Morocco. From my house, I have a view of the Moroccan countryside. I can read Ernest Hemingway and I can sit in one of the greatest institutions created by man and speak to you.

For nearly half of my life, this wasn't possible. I am free today and I want to say thank you for the help you, the American Congress, gave to help win our freedom.

Based on pressure, the last 404 prisoners of war were released in August. Senator Richard Lugar traveled to Algeria to ensure their release. We are eternally grateful.

Until last year, I was a prisoner of war in southern Algeria. I was held prisoner, along with 2,400 Moroccan soldiers, by the Polisario Front and Algeria.

In 1991, a cease-fire was put in place by the United Nations. We all should have been released at this time, but we remained prisoners for more than a decade after this. A decade.

Torture, deprivation and humiliations were routine during my 23 years. We were beaten, usually with a wire whip, I must mention a braided wire, nearly every day for anything that displeased our captors.

Some of my friends were tortured to death by whipping and others were left to die after being thrown in a hole and kept there without food or water.

My friend and fellow prisoner, Abderrahmane, who would sneak me stale bread, was not a strong man. One day he was exhausted. He just could not continue to work—the Polisario forced us to do slave labor.

When he wouldn't resume working, the Polisario guards poured gasoline all over his body, then lit him on fire. As we watched him go into flames, we all wanted to help him, but knew the Polisario would do the same to us if we did.

Food and water was always scarce, barely enough to keep us alive. Most of the time, we were in rags and barefoot. We were constantly ill from malnutrition and disease that went untreated.

When our enemy needed blood, we were forced, like milk cows, to give him our own blood. We were used as a bank of blood for them.

Every building in the camps was built under the whip by forced labor from Moroccan prisoners of war. The torture was horrible, but the mental abuse was just as bad.

During my captivity by the Polisario and Algeria, my family didn't know if I was alive or dead for many years. My wife died while I was in captivity, leaving our 11-year-old daughter orphaned.

The Polisario and Algeria refused to allow us to communicate with our families until 1994, when they were forced by the International Red Cross, whom I think made the occasion. Thirteen years went by with no contact with my loved ones.

I could tell you more. I could tell you about the many ways that our officers were humiliated. I could describe to you how after my captain said something the Polisario didn't like, my captain and I were forced to crawl naked in front of our soldiers. We were then put in a cell, with our hands tied behind our backs for 13 days. After that, we were isolated for 9 months.

The Polisario forced us to load trucks full of international aid, that means donation, from Germany and the European Union. The Polisario drivers of the trucks told me it was being sold for profit in Mauritania. The Polisario steals international aid and donations meant for the starving, with the money going to Polisario leaders.

When people ask me why we were treated as animals, I tell them that the Polisario didn't believe they would ever be held accountable. They never thought they would have to pay for their crimes. They felt they lived far and there was no one here to hold them responsible for what they did.

To this day, none of them have been held accountable and are free to torture others. Mr. Chairman, I ask you, shouldn't these people be held accountable? A just world would not support such murderers and torturers.

Mr. Chairman, I want to tell you now that there are still today thousands of people held hostage by the Polisario in camps in southern Algeria. I say they are hostages because they are not free to leave if they want to.

Your great President Ronald Reagan asked the Russians to take down the Berlin Wall. I hope that America will now ask the Polisario to open the doors to the camps in Algeria and let the hostages leave.

I call on you and the United States Congress to help spread its freedom to the rest of the world and make sure these people are set free. This problem needs to be solved once and for all.

Thank you for letting me speak before you today. I have another point to add, Mr. Chairman, if you allow me to.

Sir, Gordon Gray said a moment ago that he had no recent news about the Cubans. I have just come from the camps of the Sahrawi being sent to Cuba. They were still being sent up to last year. I met with Sahrawi having finished their training from Cuba.

Thank you, sir.

[The prepared statement of Mr. El Jaouhar follows:]

PREPARED STATEMENT OF MR. ALI EL JAOUHAR, FORMER MOROCCAN PRISONER OF WAR

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Until last year, I was a prisoner of war in southern Algeria. I was held prisoner along with twenty-four hundred Moroccan soldiers by the Polisario Front and Algeria.

In 1991, a ceasefire was put in place by the United Nations. We all should have been released at this time. But we remained prisoner for more than a decade after this.

Torture, deprivation and humiliation were routine during my twenty-three years. We were beaten, usually with a wire whip, nearly every day for anything that displeased our captors.

Some of my friends were tortured to death by whipping and others were left to die after being thrown in a hole and kept there without food or water.

My friend and fellow prisoner, Abderrahmane, who would sneak me stale bread, was not a strong man. One day, he was exhausted; he just could not continue the work the Polisario forced us to do as slave labor.

When he would not resume working, the Polisario guards poured gasoline all over his body, then lit him on fire. As we watched him go into flames, we all wanted to help him but knew the Polisario would do the same to us if we did.

Food and water was always scarce—barely enough to keep us alive. Most of the time, we were in rags and barefoot.

We were constantly ill from malnutrition and disease that was untreated.

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I could tell you more. I could tell you about the many ways that our officers were humiliated. I could describe to you, how after my Captain said something the Polisario did not like, my Captain and I were forced to crawl naked in front of our soldiers.

We were then put in a cell with our hands tied behind our backs for thirteen days. After that, we were isolated for nine months.

The Polisario forced us to load trucks full of international aid from Germany and the European Union. The Polisario drivers of the trucks told me it was being sold for profit in Mauritania. The Polisario steals international aid meant for the starving—with the money going to Polisario leaders.

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To this day, none of them have been held accountable—and are free to torture others. *Mr. Chairman, I ask you—shouldn't these people be held accountable?*

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I call on you and the United States Congress to help spread its freedom to the rest of the world and make sure these people are set free. This problem needs to be solved once and for all.

Thank you for letting me speak before you today.

Mr. SMITH. Mr. El Jaouhar, thank you very much for that very moving testimony. We are glad you are safe.

One of the things that has made me more aware of torture, was that I authored a few laws dealing with torture victims relief to provide, at least after the fact, some help for those who have suffered. From that work I have learned that the scars, both physical and especially psychologically, just never go away.

Mr. EL JAOUHAR. I can—

Mr. SMITH. Although you can be helped, you bear such pain and I want you to know that Members of our Committee empathize to the greatest extent possible with—

Mr. EL JAOUHAR. You need more. You said you need more examples. Facts.

Mr. SMITH. Yes.

Mr. EL JAOUHAR. Well I can tell you I have a friend who refused to work. He got exhausted and he went to rest near the wheels of a truck and they told him, "Well go and work." He said, "Well I have enough. I am very tired. I can't work. You kill me if you can." We have reached despair when you were there and then the car, the truck, I mean, went backwards and crushed his head. I saw it. It is a nightmare.

I have other person who was there, and refused to work. We were forced to work and they put him in a cement mixer and he was crushed there, and there are many, many cases I have. These are the cases I have said to be what I have seen, I mean.

Mr. SMITH. One thought just off the top of my head, but you mentioned the word accountability, which torturers usually feel will never come their way and they will never have to give an account or spend any time in prison.

Mr. EL JAOUHAR. They are still roaming. They are—

Mr. SMITH. If you would, then perhaps the government or an NGO may assist you in this, surely there is a case to be brought at the International Criminal Court, the ICC, and both governments and individuals could bring such a case. From our work on this Committee—

Mr. EL JAOUHAR. Thank you.

Mr. SMITH [continuing]. I have chaired this Committee 6 years prior to re-chairing it. The Milosevic's, the Bashir's, and others in this world, must be held accountable for what they have done.

So, I just would make that as a recommendation to you that there needs to be that effort expended at the International Criminal Court.

Let me ask you a couple of questions if I could, with regards to Mr. Jensen. You mentioned that the referendum was not possible, because sanctions were not something that was going to be imposed.

I am wondering if there is a sanction that might at least get the talk about autonomy, which we understand the Moroccans are now apparently willing to put on the table. Why has there been a lack of concern about, at the Security Council, and really saying there needs to be a penalty phase, if countries do not come together and do something here, in this case Morocco, in terms of the referendum?

If I could ask all of your opinions, Ambassador Ruddy, you might want to speak to this, the Special Envoy, Peter van Walsum, who I and many others in Congress have met, he said on October 17 that the position of all concerned parties—this is after he made a trip there—seems almost irreconcilable.

I think judging by your earlier testimony, you are not very optimistic about what the State Department is going to do going forward.

Mr. RUDDY. No.

Mr. SMITH. Let me also ask all of you, if you could, Kofi Annan, as we all know, has extended the UN mission, MINURSO, for another 6 months, until April 6, 2006, due to the instability in the region, stating that MINURSO, and I quote him, “continues to play an important stabilizing and cease-fire monitoring role on the ground.”

As we all know, the budget is approximately \$50 million annually for MINURSO, but what does happen if after April 6 it disappears? What will happen? Are we going to see more loss of life?

Is it something that needs to be continued? Your recommendations on that as well.

Mr. RUDDY. Erik Jensen knows more about that than I do, but I would think that you are going to have a vacuum and, you know, nature abhors vacuums and politics abhors vacuums as well. Nature abhors vacuums, as do politics, and that is going to be a terrible situation.

They talk in the abstract about the dangers to the Maghreb and all of that, but that is not the abstract. Once that peacekeeping mission goes away, in my judgment, even though it has been a colossal waste of money, if it is not brought on track, there is going to be a terrible problem there.

And remember, to go back to your first question, that this is not, you know as Jean Kirkpatrick said, the UN is not some sort of group that is dedicated to doing good. It is political. And we have in Morocco the existence of Western Sahara, which is a terribly important internal political question and it is very important to the King and to the people who are ruling over there.

It is not something that can just go away and as long as France is on the Security Council, which is staunchly pro-Moroccan, there is not going to be any of these initiatives to force a solution here.

It is not as if people are just thinking of the good of mankind and come to this decision that we will not have enforcement there by the UN or sanctions or things like that. It is a very real political question.

France is supporting Morocco, which is a good friend politically and that is the way it is.

Mr. JENSEN. Mr. Chairman, thank you very much. I am happy to say that I agree with much of what Frank Ruddy has just said.

I dispute, however, that MINURSO has been such a waste of money if it has kept the peace. If we agree, and I think we do agree, that if you take it away you will create this vacuum, that creates a highly dangerous situation.

When I was there last—I don't have up-to-date figures, but I doubt very much they have changed very much—there were 120,000 men under arms in that area. That is a lot of armed men, with quite sophisticated military equipment and the moment that, for example, there were to be Polisario incursions, there would be a natural reaction on the part of the Moroccans and fighting would almost certainly escalate and could very easily get out of control.

You could find a situation in which the Moroccan forces were facing Algerian forces: Two significant armies facing each other with a major potential for real danger in the whole area and beyond, for that matter. I feel that the peacekeeping aspect is valuable.

On the other issue, the question of the UN: Why does the UN not wish to impose sanctions, why doesn't it use force? In a way Frank Ruddy has actually answered that.

What is the UN? The UN is the Security Council in this particular case. We all know there are five permanent members on the Security Council. We all know that they can, when they wish to do so, veto certain lines of action.

I may say I don't think I ever felt, at least the messages that were getting through to me, there was never any indication that the United States either was willing to move to that level of imposing a solution.

I personally remain strongly convinced that the only durable, long-term durable solution to this is a negotiated political settlement, which would then be subject to referendum; which that would be the means by which the act of self-determination will be carried out.

Mr. RUDDY. I wanted to say quickly that I agree with what Erik just said, and in his memoirs as being the United States' Ambassador to the UN, Ambassador Monahan said that his instructions were to be sure that there not be another Angola in West Africa.

In other words, that the Western Sahara not be recognized and he said, "I succeeded very well in that, but that is in the past. That was when there was a Cold War. Things are different now. What was feared in the Cold War is no longer to be feared."

Mr. SMITH. What might be the incentive for Morocco, for all parties to come to the table and to come to a conclusion? We all know that at Camp David it was finances and that helped grease the skids at the Camp David Accords. What could possibly be the magnet to make this happen?

Mr. JENSEN. Mr. Chairman, I think there is a genuine vested interest on the part of both Morocco and Algeria and indeed Mauritania and Tunisia in seeing the Maghreb Union develop into something real.

It exists in theory, but of course it hasn't really functioned. Why it hasn't functioned is because of the dispute over Western Sahara.

Now the moment you get that Maghreb Union functioning properly, you have huge economic, or should have huge economic benefits; and of course you would be spending much less money on military resources, which are not totally productive and it would en-

able, one would imagine or one would hope and one had reason to expect it would imagine development of democracy, a more ready development of democracy in the area, if you have a more stable social and economic society.

Apart from anything else, there is a major problem throughout the area with unemployment. From figures given me, I believe there is something like 30 percent of people under the age of 25 with no employment. It is a very, very high figure.

What the region needs is the stability, the peace, the security, the political stability, which can enable it to develop economically. I think that is the real long-term value for all the parties.

Mr. SMITH. Thank you.

Mr. RUDDY. I agree with that, but it is like felling the cat. You know, how do you achieve that? If that were achievable, yes, I think that is one of the things that could be an incentive for everyone.

Mr. SMITH. Thank you.

Mr. Payne.

Mr. PAYNE. Thank you very much. I really appreciate your testimony, Sir.

I think that it is a terrible thing for a people to be held as prisoners of war for such long periods of time and it is deplorable about the behavior of the authorities that did what they did to you, and I would hope that you would pursue the issue and there are mechanisms today to do that, and what happened to you shouldn't happen to anyone. I appreciate you coming.

Mr. EL JAOUHAR. Thank you, sir.

Mr. PAYNE. I would also like to say though that if we were really going to have total balance, I am sure that we could have had a person similar to you who would have been under the Moroccan authorities who would have been treated badly.

We stated that there is a jail, which I will give the name to the Secretary of State's representative here who did not hear about it. I don't know how he could hear about it, but he did not hear about it, but we are going to give him the information. Forty-three bodies were buried, killed by the Moroccan authorities.

The unfortunate thing about war, and that is why I was opposed to the preemptive strike on Iraq, is because it is easy to get into war, but it is hard to get out of war and there are so many atrocities during war on both sides, which we have seen even in this Iraqi situation with the behavior of United States troops in prisons and so forth.

War brings the worst out in all people and as much as I am proud to be an American, I was very ashamed of the behavior of American military authorities in some of its treatment of prisoners of war in Iraq.

Once again, I think what happened to you is totally wrong and two wrongs don't make a right, but I thank you for coming.

Let me just quickly mention that I looked through the testimony and saw where this question about Cuba and people being sent to Cuba against their will, and I want to just ask that this be put into the record about the UNHCR. We asked for a report and it is a program of assisting the Western Saharan refugee students in Cuba and it goes on to talk about scholarships that are available in Cuba

to people from Western Sahara who did not have an opportunity for education.

[The information referred to follows:]

UN REFUGEE AGENCY (UNHCR) REPORT SUBMITTED FOR THE RECORD BY THE HONORABLE DONALD M. PAYNE, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW JERSEY

INFORMATION NOTE

- 1) Registration of the Western Saharan refugee population in the camps in Tindouf, Algeria
- 2) Assistance to Western Saharan refugee students in Cuba

The two subjects above have been raised by the Moroccan delegation to the EXCOM session of 2004 and also commented on by other delegations. UNHCR undertook the commitment to look into these two issues and to publish its findings prior to the 2005 session of the Executive Committee.

1) REGISTRATION OF THE WESTERN SAHARAN REFUGEES IN THE CAMPS IN TINDOUF, ALGERIA:

a) Background

The UNHCR policy worldwide is to rely on host government statistics on refugee populations. In Algeria, as in all other countries, UNHCR's preference, in accordance with its principles, is to jointly coordinate a registration exercise with the host government, in order to validate the numbers.

Since the commencement of the influx of the Saharan refugees into the Tindouf area in late 1975 and 1976, the Algerian Government has provided UNHCR with the figure of 165,000 refugees. In 1982, the Algerian Government, in consultation with UNHCR and WFP, adopted a total of 80,000 persons as an assistance beneficiary figure. It was underlined, at the time, that this figure comprised the vulnerable persons amongst the refugee population.

Between 1998–2000, in the context of the UN Settlement Plan and UNHCR's role therein to prepare for the voluntary repatriation operation, UNHCR conducted a pre-registration exercise, based on the Provisional List of Voters provided by MINURSO, to identify those Western Saharan refugees who would wish to repatriate to Western Sahara, in order to participate in the then-planned referendum on the future of the Territory. The number of refugees registered by UNHCR in the context of this campaign totaled 129,863 refugees. This registration had limitations, as dependants were not seen by UNHCR and were registered only on the basis of the verbal declaration of the heads of households/voters. In light of the foregoing, the results of this campaign could not be employed for planning purposes, but could merely serve as an indication of the approximate dimensions of the refugee population in the camps for repatriation planning purposes. The beneficiary figure for UNHCR assistance remained at 80,000 persons.

In March 2000, due to compelling reports of an alarming rate of malnutrition in the camps, UNHCR and WFP undertook a joint assessment mission to the camps, and raised the beneficiary figure to 155,000 persons. In 2004, this figure was revised to 158,000 persons at the request of the Algerian Government, which continued to maintain the official figure of 165,000 refugees in the Tindouf camps.

In 2005, UNHCR and WFP conducted a reassessment of the population of vulnerable persons in the Tindouf camps. Based on all information sources available, this reappraisal concluded that the more accurate figures of vulnerable refugees in the Tindouf camps were 90,000 persons.

b) UNHCR demarches regarding the registration of the Saharan refugee population

UNHCR employs the registration of refugees as an essential protection tool as well as an effective mechanism for the planning and design of assistance programmes to refugees. In light of this policy, UNHCR continuously maintains its efforts to undertake a comprehensive registration of the Saharan refugees in the camps in Tindouf. UNHCR formally requested the Government of Algeria in 1977, 2001, 2003 and 2005, for permission to conduct a joint registration, through notes verbales as well as in meetings on this issue. UNHCR made informal requests on many other occasions, as well. Similar demarches were also made to the Frente Polisario in 2002, 2003 and 2005.

The response of the Algerian Government, as contained in a statement to the UNHCR Standing Committee in June 2005, indicates that while registration per se does not raise any problems in principle, it would depend on the global resolution

to the Western Saharan conflict. The Frente Polisario expressed a similar position in meetings and discussions with UNHCR in March, May and July 2005.

c) Conclusion

UNHCR has noted the above positions of the host government and the refugee leadership, which appear to predicate against an immediate registration of the Saharan refugee population in the camps in Tindouf. The figure of 90,000 persons does not pre-judge, in any way, the actual number of Saharan refugees in the Tindouf camps or in Algeria as a whole, which could only be ascertained through a comprehensive registration operation. The new figure has been introduced for the design of UNHCR and WFP assistance programmes in Tindouf as of 1 September 2005. It will also remain the basic planning figure in regard to assistance to this population until such time as the Office, in cooperation with the competent Algerian authorities and the refugee representatives, will be able to undertake a full-fledged registration exercise of the Saharan refugee population. UNHCR will continue to urge the Algerian Government to approve a registration of the populations in the camps.

2) ASSISTANCE TO WESTERN SAHARAN REFUGEE STUDENTS IN CUBA:

In view of the limited opportunities for education available in Tindouf, many of the Saharan refugee children have availed themselves of scholarships offered within the framework of bilateral relations between the refugee leadership and various countries. These scholarships are for secondary and tertiary education. Cuba has been one of the countries that have offered such scholarships. In 1994, following a request from the Cuban Government, UNHCR established a limited form of assistance for Saharan refugee children studying under scholarships in that country.

UNHCR's assistance to Saharan students in Cuba consists of the provision of transportation for the return to Tindouf of graduating students (143 persons). This provision of transportation is gradually decreasing, since it is provided exclusively to students enrolled in Cuban schools in or before 1996, and will end with the return of the last student among this group. UNHCR also provides all Tindouf students (597 persons) with a small stipend for clothing, shoes, hygienic items, and school supplies.

During the ExCom session of 2004, the Moroccan delegation raised two issues relating to this programme, namely: 1) the reported lack of consent of the parents of the Saharan students, prior to their enrolment at Cuban schools, and, 2) reports of sexual and other forms of abuse of which some of these students were allegedly the victims.

UNHCR regularly monitors the protection situation and the living conditions of these students. The most recent monitoring mission took place in June 2005. It was conducted by UNHCR international staff, who gave special attention to the issues raised above. The mission included a comprehensive review of the protection situation of the Saharan children participating in the scholarship programme, in particular: school facilities; living conditions; staffing and adult supervision; academic curricula; food and nutrition; health and sanitation; hygiene and clothing; recreation; religion and culture; work; physical security; military training; voluntary nature of participation in the programme and parental consent; communication with families; concerns expressed by the children and their views on their future; and the impact of UNHCR's complementary assistance project on the living conditions of the students.

The verification undertaken and the information collected during the mission suggests that this scholarship programme meets the standards of treatment and care required by the 1989 Convention on the Rights of the Child, notably in the following areas:

- minors are protected from all forms of discrimination while in Cuba, and enjoy equal educational opportunities as well as slightly more advantageous treatment in terms of material and health support provided in Cuban schools;
- the rights of the students are fully respected and guaranteed in regard to health, nutrition, culture, personal liberty and security;
- the children are not subjected to any form of abuse or exploitation of any type whatsoever. This also covers military recruitment and training and child labour activities that would qualify as exploitative as defined by the CRC;
- all information gathered during the mission affirms the voluntary nature of participation in the programme of the children, the direct role of the parents in determining whether their child would participate, and the opportunity for the children who do not wish to continue the programme, to abandon it and return home.

The information available confirms that no new beneficiaries are expected to join the programme in the future. Insofar as UNHCR's complementary assistance project is concerned, the ongoing phase-out of this programme will proceed as planned, until all of the pre-1996 students have graduated. In the meantime, UNHCR will continue to monitor the situation of this group of students on a regular basis.

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Mr. PAYNE. Actually the verification took place by UNHCR that: (1) minors are protected from all forms of discrimination while in Cuba; (2) the rights of students are fully respected and guaranteed in regards to health, nutrition, et cetera; (3) the children are not subject to any form of abuse, exploitation of any type whatsoever; (4) that the information gathered during admission was a voluntary nature of participation in the program of the children, the direct role of parents in determining whether their children will participate in the opportunity for children who do not wish to continue the program to abandon the program.

This was a report that has come in from UNHCR. Let me just say this, that as much as there is a disagreement with the Government of Cuba, I think there should be fair and free elections and all. However, on the other hand, it is not uncommon that Cuba has opened its doors. I visited Cuba 2 years ago and saw students from New York and New Jersey who were attending medical school there—5,000 students that go to medical school for free. These are students who can't afford to go to medical school in the United States because they are poor. Many of them are inner-city students, but Cuba has opened the door and have allowed them to go there.

So it is not uncommon that Cuba has, in its own peculiar way, educated, as a matter of fact, these 5,000 students who are primarily from countries in Central and South America.

I wish that I could get the United States to open a big former Army base or—

Mr. EL JAOUHAR. Sir—

Mr. PAYNE [continuing]. Air Force Base—sorry I have to finish because I have to run—and would open up education, free education for medical students from all around the world.

I think that we have the financial wherewithal to do it. I think it would send a great message. As a matter of fact, I would even stress Middle Eastern students to come to see how this great nation works.

Mr. EL JAOUHAR. Sir, a living example is here among us here in this audience. Here she is.

Mr. PAYNE. I believe you.

Mr. EL JAOUHAR. She has been there.

Mr. PAYNE. I know.

Mr. EL JAOUHAR. And she has suffered a lot. As much as I have suffered.

Mr. PAYNE. I believe you wholeheartedly. I am not disputing your suffering. As a matter of fact, like I said, I think that what happened to you should be pursued and that people that perpetrated crimes on you should be brought to justice.

I think that injustice like this is totally wrong and—

Mr. EL JAOUHAR. She can speak for herself.

Mr. PAYNE. She—

Mr. EL JAOUHAR. She has been to Cuba.

Mr. PAYNE. That is good. Once again, like I said, we appreciate it, madam. I have to leave, if the Chairman would like to talk to her after the meeting or my staff would be glad to get as much information as possible.

I believe you 100 percent. I just want to conclude, because we are really running late, that the Cold War is over, as has been mentioned and I think that we ought to get—

Mr. EL JAOUHAR. But people are still going there.

Mr. PAYNE [continuing]. The Cold War, we need to put the Cold War behind us and try to come up with a solution to the situation.

Mr. EL JAOUHAR. But—

Mr. PAYNE. The fact that certain countries supported people during struggles during the Cold War, it is history and we are looking forward now and I would just like to conclude—

Mr. EL JAOUHAR. I—

Mr. PAYNE [continuing]. By saying—and after I finish, the Chairman may let you speak as much as you want, I am not trying to cut you off, I am just trying to finish my point, like I said.

I would just want to conclude by saying that I think that the fate of what happens here is, I believe, as has been indicated by Mr. Jensen, is in the hands of the U.S.

I think that if anyone, even though France is on the Security Council and has a strong relation with Morocco, as does the United States, I think that if the United States decided that it really wanted to see a just conclusion, a referendum, I think that the French could be persuaded to not veto a proposal, but I am not sure that the will of the United States is there to break the impasse.

I hope that we see some progress and if not, there are a number of Members from both sides of the aisle who feel that there has to be more pressure put on the U.S. Government to come up with a solution so that the will of the people is what is determined, whatever the will is, and I am going to continue to work with Mr. Pitts and others to keep pushing our State Department, through our United Nations to say enough is enough and that there must be a solution to this situation.

Mr. Chairman, thank you very much.

Mr. SMITH. Thank you very much.

I think you had something you wanted to add?

Mr. EL JAOUHAR. Yes. I said that I quite agree with Sir Payne that the Cold War is over, but the human tragedy still goes on there. There is still torture, and to this human tragedy, an end should be put. We must stop that nightmare. People are suffering at the moment of speaking, I assure you.

Mr. PAYNE. That is true. That is why I am urging the United States Government and the Government of France that have the authority and the power to do it to get in—

Mr. EL JAOUHAR. They need to go—

Mr. PAYNE. The tragedy is there and the only way that it will be stopped is if the United States decided enough was enough and bring this resolution to a halt, and then I think that we will then see progress made.

I believe the ball, as they say, is in our court in the U.S.A., although the State Department may not want to admit it. If the

United States has the will to end this conflict, I think we have the power still in the UN to accomplish that. Thank you.

Mr. RUDDY. Mr. Payne, I have just been told there is a Sahrawi who has just come back from Cuba sitting in the back room. If your staff wanted to get more information, it might be good to talk to him and he has a different point of view.

Mr. PAYNE. Very good. Thank you.

Mr. SMITH. Would any of you like to add anything before we conclude?

Mr. JENSEN. No, Mr. Chairman. Thank you very much indeed.

Mr. SMITH. Again, I want to thank you not only for your testimony, but for your patience since we had so many delays.

I would also point out that we have five submissions for testimony and, without objection, they will be made a part of the record from Amnesty International, the Embassy of Morocco, the Polisario, the Defense Forum Foundation, and Homeland International.

I would point out that one of the points made in the Amnesty International testimony calls for impunity for abuses committed by the Polisario Front and by the Government of Morocco to cease and gives a call for accountability, which I think is what you were saying earlier, Mr. El Jaouhar.

Let me thank you again, and this will be the first in a series of hearings on this complex and vexing issue in the hopes of finding and encouraging a solution.

Again, I want to thank you for your testimony, because it was extraordinary.

The hearing is adjourned.

[Whereupon, at 5:20 p.m., the Subcommittee was adjourned.]

A P P E N D I X

MATERIAL SUBMITTED FOR THE HEARING RECORD

PREPARED STATEMENT OF ALEXANDRA ARRIAGA, ASSOCIATE DEPUTY DIRECTOR FOR
ADVOCACY AND DIRECTOR OF GOVERNMENT RELATIONS, AMNESTY INTERNATIONAL
USA

“HUMAN RIGHTS ISSUES IN MOROCCO/WESTERN SAHARA”

INTRODUCTION

Honorable Chairman, distinguished members of the House Subcommittee on Africa, Global Human Rights, and International Operations, on behalf Amnesty International USA, I thank you for the opportunity to provide this written statement regarding human rights issues in Morocco/Western Sahara. The human rights situation in Morocco/Western Sahara is one Amnesty International has followed closely. As the United States Congress and the Bush Administration consider efforts to help resolve the conflict over the status of Western Sahara, I urge you to keep the protection of human rights at the forefront of this discussion.

Amnesty International (AI) has visited Morocco/Western Sahara for research purposes on four occasions since 1998, most recently in January 2005. During the January visit to Morocco/Western Sahara, the organization found a general, greater openness to discuss and address human rights concerns, including in public debates about past violations, and some signs of progress towards greater respect for the rule of law. Human rights issues persist, however. In particular, Amnesty International is concerned by the clampdown by Morocco on human rights defenders following recent protests in the Western Sahara, the unresolved Sahrawi “disappearance” cases, as well as impunity for abuses committed by the Polisario Front and the use of torture and inhuman treatment in detention.

HUMAN RIGHTS CONCERNS IN WESTERN SAHARA

Clampdown on human rights defenders

Amnesty International is concerned that human rights defenders in Western Sahara have repeatedly been targeted for their human rights work in recent years. Some have been prevented from traveling abroad to report on human rights violations, while others have been arbitrarily imprisoned. In many cases, their activities were deemed to be illegal, in violation of their right to peaceful exercise of freedom of opinion and expression, as well as to disseminate information and views on human rights issues to outside bodies such as international human rights organizations.

Amnesty International has highlighted in particular the arrest and ongoing detention of eight human rights defenders in Laayoune Civil Prison, Western Sahara: *Mohamed El-Moutaouakil*, *Houssein Lidri*, *Brahim Noumria*, *Larbi Messaoud*, *Ali-Salem Tamek*, *Aminatou Haidar*, *H'mad Hammad* and *Brahim Dahane*. Two of them, Houssein Lidri and Brahim Noumria, have reportedly been tortured. All eight are long-standing human rights defenders who have been instrumental in collecting and disseminating information about human rights violations, including the monitoring of a recent wave of pro-independence demonstrations in the territory of Western Sahara, which Morocco controversially annexed in 1975.

Ali-Salem Tamek, for example, was arrested on July 18, 2005 upon arrival at Laayoune airport after an extended stay in Europe, where he had spoken publicly of recent events in Western Sahara and advocated independence for the territory. He was abroad during the first wave of demonstrations, which began in Laayoune on May 21, 2005 and continued until early June 2005. He was charged on July 22,

2005 by the crown prosecutor in Laayoune with promoting an armed gathering and remanded in custody pending the results of a judicial investigation.

In another example, *Brahim Dahane* was arrested in a street near his home in Laayoune on October 30, 2005 and taken to a police station in the same city to be detained and questioned. On November 1, 2005 he appeared before the judicial authorities and charged with constituting a criminal gang, belonging to an unauthorized association, among other charges. The charge relating to unauthorized association is believed to refer to the Sahrawi Association of Victims of Grave Human Rights Violations Committed by the Moroccan State, of which he is the President. Previously, on the evening of June 18, 2005, police had allegedly threatened him with legal action if he persisted with his campaigning work. They allegedly also confiscated documents at his home relating to the above Sahrawi Association as well as photographs of Sahrawi prisoners and “disappeared” people.

Like *Ali-Salem Tamek and Brahim Dahane*, all eight of these human rights defenders in prison are presently under investigation for allegedly participating in or promoting an armed gathering, among other charges. Amnesty International believes, however, that they have been targeted because of their human rights work during recent events and their openly held views in favor of independence for Western Sahara.

Unresolved Sahrawi “disappearance” cases

Another human rights concern is the unresolved disappearance of hundreds of Sahrawis. One of the main tasks of the Equity and Reconciliation Commission is to complete payment of compensation to victims of “disappearances” and arbitrary detention that occurred between the 1950s and 1990s, including the Sahrawis. The Commission is also charged with providing other forms of reparation to enable victims to be rehabilitated and reintegrated into society, and with proposing measures to prevent recurrence of such human rights violations. To this end, it has consulted with victims and associations representing them on a range of ideas.

Another main task of the Commission is to establish the fate of hundreds of people who “disappeared” in previous decades and, in the case of those who died in detention, to locate their remains. The Commission has collected testimonies from relatives of the “disappeared” and began preparing a report, due to be completed by the end of 2005, that would set out the reasons and institutional responsibilities for grave violations up to 1999. Amnesty International has been providing extensive information from its archives to help the Commission in its work, as well as several hundred people who “disappeared” after arrest between the mid-1960s and early 1990s remain unaccounted for.

The statutes of the Commission, however, categorically exclude the identification of individual perpetrators and reject criminal prosecutions, prompting the UN Human Rights Committee in November 2004 to express concern that no steps were planned to bring to justice those responsible for “disappearances”. To date not one person responsible for ordering or carrying out “disappearances” has been prosecuted. Former “disappeared” and families of the “disappeared” have told Amnesty International that many of those responsible for the violations are still alive and, in some cases, still working within the security forces.

Impunity for abuses committed by Polisario Front and by the Government of Morocco

Amnesty International remains concerned about human rights violations reported in the Sahrawi refugee camps administered by the Polisario Front in Tindouf, Algeria. Amnesty International has also noted with concern reports that in Morocco, there are allegedly persons generally of Moroccan nationality, who are believed to have been responsible for serious human rights abuses in the Polisario camps.

The Convention against Torture requires the Moroccan authorities to establish universal jurisdiction and investigate and prosecute all cases of torture when the alleged perpetrator is found in an area under its jurisdiction. Amnesty International has further raised with the Moroccan government of its obligation to bring these persons to justice or to extradite them to another jurisdiction where they can be brought to justice in conformity with Article 8 of the Convention against Torture. However, to date such persons have not been brought to justice.

In addition, several people who were in a position of authority in the Polisario camps when serious human rights abuses—including torture—were widespread, particularly during the late 1970s and throughout the 1980s, now occupy positions of authority in the Moroccan civil administration. Similarly, the Polisario authorities have failed to hand over perpetrators still resident in the camps to the Algerian authorities to be brought to justice.

RECENT HUMAN RIGHTS DEVELOPMENTS BY THE GOVERNMENT OF MOROCCO

In its January 2005 visit to Morocco, Amnesty International found that the government of Morocco is taking some important and bold steps toward the protection of human rights in the Arab world. Amnesty International views the developments below as positive and is following their progress with interest.

During this visit, Amnesty International met with Morocco's Equity and Reconciliation Commission, which is investigating grave human rights violations committed between 1956 and 1999, including in Western Sahara, and is organizing public hearings broadcast on national television. Amnesty International supports the Commission's efforts to investigate past abuses, identify the state institutions responsible, and provide reparations. The hearings, which started in December 2005, provide an opportunity for the general public to hear and acknowledge the stories of survivors and relatives of victims. These are essential components of any process which aims at establishing the truth about past human rights violations.

On February 3, 2005, a new Family Code was promulgated that significantly improves the legal framework for women's rights. Amnesty International notes that Morocco has ratified the Treaty for the Rights of Women, officially the United Nations Convention on the Elimination of All Forms of Discrimination Against Women, and that the legal reforms are consistent with the treaty's provisions. Husbands and wives were accorded equal and joint responsibility for running the family home and bringing up children, and the wife's duty of obedience to her husband was rescinded. The minimum age of marriage for women was raised from 15 to 18, the same as for men, and the requirement of a male marital tutor (wali) for women to marry was eliminated. Severe restrictions were imposed on male polygamy. The right to divorce by mutual consent was established and unilateral divorce by the husband was placed under strict judicial control.

RECOMMENDATIONS

In many areas there has been marked progress in the situation in Morocco/Western Sahara, although the record remains mixed and outstanding concerns remain. In notable ways, Morocco has provided a model for emulation in both the Arab and the Muslim world for its efforts to account for past human rights and institute new protections for human rights, especially with regard to the Equity and Reconciliation Commission and its new law that provides greater protection for women. However, the success of the Moroccan government to deal with human rights violations in general and provide a good model for other countries depends in part on its actions in Western Sahara. In order to improve the human rights situation in Western Sahara, Amnesty International encourages the U.S. government to take the following steps:

1. Monitor the arrest of individuals associated with the Western Sahara question;
2. Promote change in legal procedures to ensure detainees enjoy such rights as being charged within an appropriate timeframe, right to legal counsel, and visitation rights;
3. Encourage the Moroccan government to comply fully with its new policy against torture;
4. Seek independent inspection of prisons in Morocco to ensure full compliance with international humanitarian standards; and
5. Observe the court proceedings of those arrested and charged with political crimes to ensure that the charges are accurately stated and that the legal procedures are in line with international standards.

Within the broader context of the Morocco/Western Sahara:

6. Urge the Moroccan government to ensure that all individuals and non-governmental organizations are free to participate openly in the national dialogue;
7. Press the Equity and Reconciliation Commission to issue its findings promptly with regard to past abuses;
8. Create a second commission to examine the violations of human rights occurring from 1999 to the present;
9. Break down the wall of impunity by insuring that anyone involved in torture of individuals, either directly or indirectly, is held accountable; and,

[NOTE: Submitted statement ended here.]

PREPARED STATEMENT OF AZIZ MEKOUAR, AMBASSADOR OF HIS MAJESTY TO
WASHINGTON DC, EMBASSY OF THE KINGDOM OF MOROCCO

The Government of Morocco would like first to express its appreciation to you and the members of the Subcommittee on Africa of the House International Relations Committee for your interest and concerns about developments in our region in connection with the dispute over the Sahara. As you know, this issue, which had its roots in the Cold War, is now of more than 30 years duration and has been the cause of untold suffering and hardship for thousands of families who reside in the region. My government is anxious to see this matter resolved as quickly as possible in order to bring this continuing suffering to an end and to create better circumstances for stability, security and prosperity for the entire Maghreb region.

The Government of Morocco has a profound appreciation for the persistent efforts that have been made by the United Nations, with the unflagging support of the United States, to find an acceptable and durable solution to this issue.

My government was hopeful after the establishment in 1991 of a ceasefire and a United Nations peacekeeping mission in the region that the question of the Sahara could be resolved quickly. Morocco deeply regrets that the original efforts to resolve this problem through a referendum eventually were abandoned by the United Nations because of the difficulties in settling the many very complex issues associated with the question of who should be eligible to vote. My government made every effort to cooperate with the registration process of the UN Mission. Unfortunately, in the end the United Nations concluded that it was not possible to bridge the differences which separated the Parties on fundamental issues. Nevertheless, Morocco was encouraged that the Security Council chose to continue its efforts to help the Parties resolve the dispute in the Sahara.

For the last several years, the Security Council, with consistent support from the international community at large and the United States in particular, has been engaged in an on-going effort to establish conditions among the Parties that might lead to an acceptable and durable political solution to this question within the framework of the United Nations and consistent with the principles of its Charter. The Government of Morocco is appreciative of this effort and would like to make clear to the members of the Africa, Global Human Rights and International Operations Subcommittee of the U.S. House of Representatives that Morocco is firmly committed to cooperating with the United Nations in this process.

Presently, the Security Council, the Secretary General of the United Nations and world leaders in the United States, France, Spain and elsewhere have called on Morocco and Algeria to seek a just and durable solution to this question through direct political negotiations. Morocco has made clear since this request was first made that it is prepared to enter such negotiations. Unfortunately, the other parties to this dispute have thus far declined to embrace the clear consensus that has emerged in the Security Council and the international community that such direct negotiations seem to offer the only viable way to finally resolve this problem that has caused so much hardship in the region and which continues to impede efforts to establish broader regional political and economic cooperation and development that is essential to the prosperity and well being of all of the region's citizens.

Following friendly calls from the partners of the Maghreb region and particularly from the United States, Morocco took initiatives to improve bilateral relations with Algeria in the hope that such moves will pave the way to the long awaited political solution. Unfortunately Algeria's response was less than constructive.

Regrettably, recent events in the region have not been encouraging in terms of creating a climate of mutual trust and confidence that Morocco believes is necessary to support the effort of the international community to advance the prospects of a negotiated political solution.

Since early in the year, the leadership of the Polisario Front has again returned to threats of war rather than accept the view of the Security Council that this issue cannot be resolved without direct political talks among all the parties. More recently, the Polisario Front has also made widely publicized and official threats of terrorism against United States citizens and enterprises legally conducting their lives and business in Morocco. These threats of war and terrorism also coincide with a very public and on-going effort of the Polisario Front to encourage violence and insurrection in Morocco. Morocco appreciates the calls for restraint that have been made by the Secretary General and others in an attempt to persuade the Polisario Front to abandon its continuing campaign of violence and threats. The Government of Morocco has made every effort to respond to these continuing violent provocations with as much restraint as possible. However, Morocco is a country in which the rule of law has value and the Government of Morocco will continue to firmly enforce the

law against those who seek through violence, intimidation and threats of war and terrorism to destabilize both our nation and the region.

His Majesty King Mohammad VI has made an irrevocable choice about the future of Morocco. It is a future that is characterized by democratic governance, competition through fair elections for public office among multiple political parties that represent the diversity of our society, freedom of expression and association in a vibrant and active civil society, respect for human rights and including especially the advancement of family and women's rights in our society. Morocco has made widely recognized progress on political, social and economic reforms, including the conclusion of a Free Trade Agreement with the United States. We are tackling in an open way the past human rights abuses in an effort to foster reconciliation among our people. But our efforts to open our society are sometimes taken advantage of by forces outside Morocco who do not share our commitment to these values and principles that we hold in common with you. Like you here in the United States, we too have been subjected to murderous terrorist attacks, in Casablanca, in May of 2003, and our country continues to be targeted by international terrorist organizations. We have made serious efforts in cooperation with you and our partners in Europe and Africa to fight the scourge of human trafficking, efforts that you have recognized officially in your own investigations and reports. However, others in our region have failed to keep pace with us on this issue and instead have sought to take advantage of our more open society. Mr. Chairman, Morocco will continue the serious effort it is making to demonstrate that our part of the world is every bit as able as any other region to embrace the traditional values that make cultures and nations unique and valuable while at the same time making clear through practice that the values of a democratic society with free markets and opportunities are not inconsistent with our way of life. We hope that we will continue to have the support of your great nation as we continue this effort and attempt to demonstrate to others through dialogue and example that the future must be one in which we learn to cooperate with one another despite our occasional differences of experience or views. And we hope also that the United States will continue to lend its own effort to ours in the settlement of regional disputes that threaten the peace and pose unnecessary obstacles to progress.

The Government of Morocco was encouraged by the success of the American Government which in August of this year finally secured the release of the last 404 remaining Moroccan prisoners of war that had been held by the Polisario Front and Algeria for more than 25 years. These men, and nearly 2000 others of their comrades both military and civilian, had been detained by the Polisario Front and Algeria for more than a decade after the end of hostilities in direct violation of the Geneva Conventions and international law. The unspeakable conditions of their detention by the Polisario Front and Algeria and their treatment in captivity has been well documented by credible international human rights organizations. The Government of Morocco was hopeful that the decision finally to release the last of these men to their families and loved ones in Morocco might constitute a signal from Algeria and the Polisario Front that they were prepared to move beyond the language of confrontation and acts of open hostility and violence and accept the many calls from the international community to begin direct discussions of a political solution to the problem in the Sahara. Senator Richard Lugar and others made such comments publicly at the time of their mission to Algeria to accompany the Moroccan POWs back to their homeland. Unfortunately, this has not been the history of developments in the Sahara over the last several months following the release of the POWs in August. Instead, there has been an intensification of Polisario encouraged violence in Morocco. The Polisario threats of terrorism against Morocco and Americans living in Morocco constitute a dangerous escalation of the campaign of violence being conducted against Morocco. These threats and the continuing violence are also, in our view, acts of open defiance by the Polisario Front and their supporters of the Security Council and the many world leaders, including those here in the United States, who continue to urge negotiations rather than war, terrorism or a continued stalemate.

Mr. Chairman and members of the Subcommittee, the Government of Morocco reiterates for you today that the Kingdom of Morocco is prepared to follow the advice of the Secretary General, the Security Council and other major world leaders to begin such direct negotiations immediately. Senior officials of the Government of Morocco have made repeated statements in public over the last several months that the Government of Morocco is committed to an acceptable and durable solution to this issue. We agree with other world leaders that negotiations among the parties can produce this solution. The Government of Morocco believes in the principles of the Charter of the United Nations and is confident that with the continued support of the United Nations and other major world leaders that a fair-minded and lasting

solution to the problem of the Sahara can be found which will respect both the Charter's principles and the sovereign right of the Kingdom of Morocco to its own territorial integrity and national unity.

The problem in the Sahara should not be allowed to continue indefinitely. Thousands of families are separated by this dispute and their suffering needs to be addressed. Many thousands of people continue to live in deplorable conditions in camps in southern Algeria. Morocco is concerned for the welfare and well-being of those who are obliged to remain in those camps and who are not free to come and go as they may choose.

Many thousands of these people, including former Polisario senior officials and dignitaries have over the years managed to escape their captivity in the camps and return home to Morocco. The conditions that they report concerning life in the camps cause us serious concern. There is good reason to believe the truth of the reports that these newly free individuals offer concerning the massive fraud being perpetrated on those living in the camps by the leaders of the Polisario Front concerning the systematic theft of humanitarian relief supplies for the camps that is being provided through the generosity and goodwill of the international community. The Government of Morocco urges this Subcommittee of the U.S. House of Representatives and the Government of the United States to investigate the many charges of fraud and malfeasance in this regard that have emerged in recent years through the public reports of credible international human rights and humanitarian organizations.

Morocco also urges the responsible official bodies of the international community, especially those of the United Nations, to do whatever is within their authority and power to ensure that the people who are living in the camps in Algeria be afforded the opportunity to leave the camps without impediment. For its part, the Government of Morocco assures this Subcommittee that the Kingdom of Morocco will welcome the return of any of its citizens from these camps with full respect for their rights and dignity in their mother country. Very substantial investments have been made by the Government of Morocco in the Sahara over the last years in preparation for an end to this issue and the return of those who are now held as virtual hostages in the camps in Algeria. Morocco is prepared for their return and devoutly hopes that these people will soon be reunited with their loved ones in the same manner as the POWs have now returned to the embrace of their families.

Mr. Chairman, in conclusion let me again express the sincere appreciation of the Government of Morocco for the interest that you and the members of this Subcommittee have demonstrated in this problem which has endured now for far too long. I assure you and the members of the Subcommittee that Morocco is prepared to be fair-minded and just in its effort to cooperate with the call of the Security Council and American leaders to come to the negotiating table and find a reasonable solution to this issue. Morocco welcomes your continued advice on this matter and your attention to the questions about recent developments in the Sahara that we have tried to express in this statement today.

PREPARED STATEMENT OF MOULUD SAID, POLISARIO FRONT REPRESENTATIVE IN THE UNITED STATES

On behalf of the Sahrawi people I would like to express our gratitude to the Honorable Chairman Christopher Smith and the Members of the Subcommittee on Africa, Global Human Rights and International Operations for organizing this hearing devoted to the issue of the Western Sahara.

Since 1975 the People of the Western Sahara have been the victims of aggression by our neighbor Morocco, despite an absolutely clear opinion by the International Court of Justice, which denied to Morocco any sovereignty over the territory of Western Sahara and reaffirmed the right of self-determination for the people of Western Sahara.

The right of self-determination for the people of the Western Sahara is universally recognized, and the United Nations and the Africa Union undertook different initiatives to uphold this right for all these years of their involvement.

In 1988 the Government of Morocco and the Polisario Front subscribed to the settlement plan sponsored by the United Nations and the African Union. This settlement plan calls for a free referendum for self-determination in which the people of the Western Sahara will choose between independence or integration with Morocco.

On September 6, 1991 a cease-fire went into effect between the Sahrawi army and the Moroccan army, and the U.N. mission for the referendum in the Western Sahara was deployed in the territory.

Unfortunately, after 14 years, hundreds of millions spent by the UN, and seven years of efforts by former Secretary of State James Baker III, Morocco is opposing any solution based on the free expression of the Sahrawi people.

In 2003, Secretary Baker presented a plan which contained the key Moroccan demands. This plan which was unanimously adopted by the UN Security Council was rejected by Morocco and accepted by the Polisario Front.

The Moroccan position is causing great tension in the region, and Morocco is responsible for any degradation in the region. The occupied Western Sahara has been under a virtual siege, since late May 2005 when a peaceful demonstration began for self-determination. Already guilty of repression against the Sahrawi people, the Moroccan authorities responded in a brutal manner towards these peaceful demonstrators.

I want to pay tribute to Amnesty International and other human rights organizations for their different actions and initiatives in defense of the Sahrawi civilian populations.

For the last six months scores of Sahrawis were jailed and the human rights activists such as Mrs. Aminatu Haidar, Mr. Tamek and others are in jail since late May 2005 for the only crime of asking for a free referendum.

The repression took a terrible turn for the worse on October 30, 2005, when a young Saharawi, Lembarki Hamdi, died under police torture after participating in a peaceful demonstration.

Mr. Brahim Dahan, a human right activist was taken to jail on October 30, 2005 for having meetings with personnel from the US Embassy in Rabat and informing them about the repression in the occupied territories.

On October 10, 2005, a mass grave with 50 bodies was discovered in the compound of a Moroccan jail, 43 of the bodies are those of disappeared Sahrawi political prisoners.

Since 1975 there are over 600 Sahrawis that disappeared, among them 151 Sahrawi POW's which Morocco refuses to give any information on their whereabouts.

Mr. Chairman, the main cities in the occupied area of the Western Sahara are under siege and the Sahrawis need an urgent intervention from the international community before the situation gets out of control.

Mr. Chairman,

Once more, I want to thank you for this hearing and I hope that it will help in promoting peace and stability in our region by having the people of the Western Sahara exercise their right to self-determination in a free and transparent referendum.

Thank you

PREPARED STATEMENT OF SUZANNE SCHOLTE, PRESIDENT, DEFENSE FORUM
FOUNDATION AND CHAIRMAN, U.S.-WESTERN SAHARA FOUNDATION

Thank you Chairman Congressman Chris Smith and Members of the Subcommittee on Africa, Global Human Rights and International Operations for this important and timely hearing on the ongoing conflict over the Western Sahara. This is an especially critical time because of the increased violence against the Sahrawi people in occupied Western Sahara which has resulted in death, torture and imprisonment. It is my fervent hope that this hearing will spur the United States to pressure Morocco to end its brutal occupation and withdraw from the Western Sahara.

Inaction on this issue has resulted in escalating violence and has thwarted efforts by the Sahrawi Republic to return to their homeland and establish a pro-West Muslim democracy in North Africa. Worse yet, inaction on this issue calls into question whether the Sahrawis should have laid down their weapons and trusted the United Nations to fulfill their promise of a referendum.

It should not be lost to this Committee, that a Muslim people are being violently crushed for peacefully demonstrating for the very ideals on which this country was founded and the very ideals for which we are expending great blood and treasure to instill in the populations of Afghanistan and Iraq.

If the United States had used its great influence with Morocco to press for the long-promised referendum, this issue would have been resolved in 1991. This referendum was actually first promised in 1966 when the United Nations adopted a resolution calling on Spain to organize a referendum.

Yet, today, the year 2005, a referendum has yet to be held. Instead the Sahrawi people, who have placed their trust in the United Nations and the goodwill of the international community, have seen their country invaded by Morocco, their civilians brutally killed, their families separated for thirty years, and the UN continue to fail year after year in following through on its promises.

Why has there been no referendum? Because Morocco has reneged on every agreement beginning with the UN–OAU Settlement Plan, the Houston Accords, and the most recent compromise, the Peace Plan, set forth by Former Secretary of State James Baker in 2002.

We are currently at a stalemate: Morocco will not allow a referendum to occur and the Sahrawi people will never give up their dream of returning to their homeland as a free people.

The fact that the Sahrawi people would rather live as free people in one of the most inhospitable places on earth rather than under Moroccan rule is a testament to the human spirit and the ideal of freedom.

It is also a testament to the cruelty of Morocco. Because while most Sahrawi have waited in the Algerian desert for their promised referendum, a large number live under virtual house arrest in Occupied Western Sahara. Today, they are jailed, beaten, tortured and killed for peacefully demonstrating for the right to self-determination.

Morocco's brutal occupation of Western Sahara has repeatedly led to Moroccan-Occupied Western Sahara to be listed as one of the world's worst regimes by Freedom House, the non-governmental organization which measures political rights and civil liberties worldwide.

Because of the many years of broken promises by the UN on the promised referendum, it is time now to look for other solutions. The only solution that is consistent with international law and consistent with the ideals to which our country represents is to call for the transfer of Western Sahara back to the Sahrawi people.

Currently, our friendship with Morocco has made us look the other way as the Moroccan government brutally beats, jails, and tortures the Sahrawis in occupied Western Sahara while preventing the refugees in Algeria from returning to their homeland through the construction of a heavily fortified wall patrolled by Moroccan troops in a desert it has littered with U.S. manufactured land-mines.

But if we continue to look the other way, we will never convince young Muslims that what we truly want for them is democracy with freedom, human rights, and economic prosperity.

As Condoleezza Rice boldly stated on her trip to the Middle East this summer, "The fear of free choices can no longer justify the denial of liberty. It is time to abandon the excuses that are made to avoid the hard work of democracy."

Just last month, Hamdi Lembarki, a young Sahrawi was beaten to death for fifteen minutes by Moroccan police for participating in a peaceful protest. What sets this death apart from the violence occurring around the world is what this young Muslim was protesting FOR. He was not protesting against Israel, he was not protesting against American troops, he was not protesting against Western culture. He was, in fact, protesting FOR the right to vote.

There is great significance in the struggle by the Sahrawis, because what they represent is the key to winning the war on terror. Hamdi's people embody everything that is hoped for in a world where Muslim, Christians, and Jews can live in peace. We will never win the war on terror unless we prove to the Hamdi's of this world that we truly believe what we state. Currently, over one hundred Sahrawis are in prison, including Mrs. Aminatu Haidar, who was beaten severely and arrested after a peaceful demonstration in May, and Ali Salem Tamek, who was arrested when he arrived by plane in July. All of them were advocates for democracy and the right to self-determination and were peacefully advocating for these ideals.

The Sahrawi people long ago established the Sahrawi Republic founded on democratic principles, equal rights for women and freedom of religion. In fact, the President of the Sahrawi Republic, President Mohamed Abdelaziz, has not only openly welcomed Christians into their refugee camps, but has asked Christians to establish churches in their homeland once the refugees return. Furthermore, they have long sought greater ties to the Jewish community. Because they believe in a personal relationship with God, they do not believe the state should intervene in this relationship and hence, they have long been banned from Mecca by the Whabbists Muslims. And this also explains Morocco's desire to erase them politically.

An illustration of the respect the Sahrawi Republic has gained in the international community is its recognition by over seventy-five nations and its membership in the African Union. It is also interesting to note that one of the first actions by the government of East Timor when it finally gained its independence was to recognize the Sahrawi Republic. Here was a predominately Catholic country who had been invaded by predominately Muslim Indonesia, recognizing the predominately Muslim Sahrawi Republic. The East Timorese could relate to the Sahrawis—they too had been invaded by a neighbor right at the point at which they were being decolonized.

As part of the war on terror, the United States and the Coalition forces have contributed great blood and treasure to try to establish in Afghanistan and Iraq stable democracies. Had we stood for these values in the past and pressured Morocco to end its occupation of Western Sahara, there would already be a peaceful, democratic, pro-West Muslim country in North Africa that would have opened the way for greater economic prosperity for all of the Maghreb.

It is not too late. I urge this Subcommittee: Do not let Hamdi Lembarki's death be in vain. It is time for the United States to stand up for the Sahrawi people and demand Morocco end its brutal occupation and free the Western Sahara.

It is the only viable solution that remains absent a free, fair, and impartial referendum. The withdrawal of Morocco from Western Sahara will bring about the following :

- the ability of the Sahrawi Republic to flourish as a peaceful, democratic state of Muslim progressives who renounce all forms of terror;
- the reunification of families separated for 30 years and the immediate reduction of the refugee population;
- the fulfillment of a great goal of the African Union: stability in the Maghreb and the chance to develop the region economically for the benefit of the people;
- billions of dollars currently spent on Morocco's occupation force in Western Sahara could be instead utilized to help the Moroccan people, rather than subjugate the Sahrawi people; and
- millions of dollars currently spent on Morocco for lobbyists around the world to try to convince people there is no such thing as a Sahrawi, could be spent building ties between Morocco and other countries for mutual benefit and goodwill

It is interesting to note that despite the long history of cruelty by the Moroccan government against the Sahrawi people, the Sahrawi people have continued to promise to live in peace and literally "turn the other cheek" and work with Morocco as a peaceful neighbor.

Failing to get Morocco out of Western Sahara will mean this continued stalemate and the subjugation of the Sahrawi people in the occupied territory while hundreds of thousands of refugees will continue to live in camps simply because they desire freedom and the right to self-determination.

Failing to get Morocco out of Western Sahara will mean that invasion and aggression and war are the means to achieve one's end. It will prove to Morocco and other would be aggressors that invasion and aggression are the answer. It will prove to the Sahrawis that laying down their weapons and agreeing to the cease fire was a terrible mistake. They will have felt better off fighting a war for their liberty rather than trusting democratic nations to uphold their own values.

I urge this Subcommittee to work to free Western Sahara and show the world that the United States is just as serious about the hard work of democracy in the Maghreb as it is in the rest of the world.

PREPARED STATEMENT OF STEPHEN P. HAGENS, PRESIDENT, HOMELAND
INTERNATIONAL

My wife Lillie and I are currently living in the Saharawi Refugee camps. We have been living with the same Saharawi family in the camp of Smara in the neighborhood of Farsia for the last two and a half years. Our situation is unique because it is the first time an American family or any family has lived with a Saharawi family in the camps. We have learned Hassaniya Arabic and a great deal about the Saharawi culture and society.

During this time we have founded and built the Salaam English Center, a school for youth and adults that teaches English as well as information technology and principles of democracy. The school currently has three additional American teachers working with us alongside two Saharawi teachers. This semester we have approximately 150 students in 10 classes that meet 5 days a week. We have just received the Ambassador's Grant for Refugees from the U.S. Embassy in Algiers with which we are planning to build a second English school in an additional camp.

I hold a bachelor's degree from Texas A&M University and a Masters Degree from Regent University. . After working successfully as a businessman I decided to focus my life on making a difference in people's lives. I met Lillie after my first trip to the camps in 1999. She holds a bachelor's degree in Linguistics from Rice University. In 2002 we founded the NGO Homeland International in an effort to meet

some of the practical needs of the Saharawi people. After we sold our home, we moved to the camps to start teaching English.

Over the years of working with the Saharawi we have had the privilege of meeting with a number of key people involved in the political and humanitarian side of the issue. We have met with Mr. James Baker in his office about the issue. We hosted the then Chief of Maghreb Affairs, Alice Wells, in our home here in Smara. We have met Daniel McNicholas who is at the Algeria desk for the State Department both in our home in the camps and in his office in Washington. We met with Senator Inhofe and were present in his meeting with President Abdelaziz in the camps. We have been to every camp; we have been in the liberated areas and have spoken with Saharawi military commanders. We have met Peter Van Walsum and were present at a meeting between him and the Saharawi elders. We have participated in discussions with other American diplomats and Saharawi government officials. I have traveled to Layoun, Western Sahara, where I was given a complete military briefing by the then-military operations commander, Lt. Colonel Finley, U.S. Army. I experienced the police state there firsthand as I was followed and my phone was tapped. Here in the camps, however, we have our own Land Rover and have permission to drive freely wherever and whenever we want in the camps. Thus I have a fairly broad yet accurate view of the situation.

Additionally we have become part of our Saharawi family and the society here. My wife and I both have had children named after us. We move freely throughout the camps and have relationships with people from all sectors of society. All of this is to say that we have a unique perspective on this issue that is worth listening to. We have been troubled by the discrepancy between the reality that we live on a daily basis and the perception that many of those in leadership of our country have about the Saharawi and the camps. This summer we traveled to Washington and met with a number of Congressmen, a Senator, and their staff telling them of the discrepancies. Most concerning to me is that our nation, especially the law-makers present at this hearing, might influence or make policies based on inaccurate information, which can only bring undesired and unexpected results. Additionally, we have been increasingly concerned about the misinformation intentionally spread that we know for certain to be untrue. I would like to address these issues.

Freedom of Movement

The first and most important: Saharawi are in no way held in the camps against their will. They have complete freedom of movement. For instance just this week two men from my family, Mustafa and Said, left in their old Land Rover to go to Polisario-controlled Western Sahara. The husband of the family with whom we live has been living in this area for over 8 months pasturing his 40 or so goats. This is very common for Saharawi to do. They are free to move in and out of the camps. This fall there has been quite a bit of rain, so as soon as the grass is plentiful thousands of Saharawi will be going to Western Sahara with their goats. Typically a few family members will stay behind in their homes, especially if they have school-aged children. This is the second time we have seen this type of large temporary migration. Additionally there are many Saharawi who travel to Mauritania regularly without trouble. Many Saharawi have expressed that they prefer being in Polisario-controlled Western Sahara than in the camps because it is their country and they feel at home there. A related issue is that they in no way consider themselves Moroccan. The very thought is insulting to them.

Food Aid

Another important issue that needs to be addressed is that of food aid. In the time we have been living here we have seen an obvious decline in the amount, frequency, and quality of the food aid received. The only thing that there is ever enough of is flour. The rest of the staples like oil, rice, lentils, and spaghetti are always in very short supply. And recently the food is of poor quality. Sometimes the lentils can be cooked for hours in a pressure cooker and still are hard and uneatable. I have heard also that there are accusations that the food aid is sold instead of given to the refugees. One thing is sure, there is not is not enough food to sustain people here. Families do everything they can to try to survive. Many times this may mean borrowing from a shop or family member when they don't have enough. At times the debt may be paid with food. For example, if the family receives an abundance of one item, they may barter some flour or lentils or spaghetti for oil, vegetables, or meat. Then the shop sells the items. This is about survival.

Cuba

The third very troubling issue I would like to address is the accusation that Saharawi are sent to Cuba against their parents' wishes for indoctrination purposes. My wife and I are fluent Spanish speakers. Spanish was the bridge language that

we used to learn Hassaniya, the dialect of Arabic spoken here. Many of our close friends here are Saharawi who studied in Cuba. Both of the two Saharawi teachers who have been working with us in the school were trained to be English teachers in Cuba. I play baseball almost on a daily basis with over 20 Saharawi, all of whom studied in Cuba. I have spent many, many hours talking with my Saharawi friends about all sorts of topics. They have told me the things they are afraid of, the things they love, the things they hate. They have confided in me. In all this time, I have never once had any of them tell me that they were forced to go to Cuba. When asked, they say it is always the parents' decision whether or not a child goes abroad to study. One thing is for sure, when they come back they certainly have no love for Communism. They do return loving baseball, Bryan Adams, Tracy Chapman, and a lot of Americana. Another thing I know for sure is that the Saharawi are deeply committed to family and that they really love their children. It is difficult for them to send their children even to cities in Algeria during the school year to study. But like parents all over the world they want a better life for their children, and they are willing to make sacrifices for that goal.

Unique facets of Saharawi character, culture, and identity

The Saharawi are very patient people. They have demonstrated that by honoring the cease-fire even after movement towards a referendum halted. They also are a people who at the very core of their identity believe in freedom and like our forefathers are willing to pay the ultimate price for freedom. They respect the rights and choices of individuals. This is evident in their practice of Islam as well as the way they treat individuals. For example, unlike in other Muslim countries during Ramadan, Saharawi are free to choose whether or not they fast. They feel it is a person's individual choice because s/he is individually responsible before God. People are not pressured into fasting nor are they ridiculed or persecuted for not fasting.

Another interesting uniqueness to the Saharawi is the place of women in the society. Women have much more freedom in the Saharawi refugee camps than in most Muslim societies. Women hold national office, they are allowed to vote (on the local level they are the only ones allowed to vote), they drive cars, and they are free to walk around without trouble. Our classes are coeducational. Women in our classes and in the society as a whole have the freedom to express themselves. When Saharawi marry they normally build their houses near the wife's parents. The Saharawi woman owns her own home and its contents. In the case of divorce it is the man that must leave the home, and the woman maintains custody of the children.

Contrary to lies about them being tied to fundamentalism and terrorism, the Saharawi continue to reject foreigners who would try impose extreme religious views that conflict with their societal values of tolerance and peace. It is actually this virtue that has been one of contributing factors that has allowed the world to for the most part ignore their situation. They are committed to exhausting every possibility in order to find a diplomatic solution. They are patient but growing frustrated at the lack of political will of nations who have stated their support for self-determination as a fundamental right of people and yet do not have the moral integrity to stand by their own principles and values.

Conclusion

It is my desire as an American that the truth be known about the reality of life in the Saharawi refugee camps. I am thankful that I have had the opportunity through the years of meeting the important people who make policy in this region for my country. I see an alarming trend in the past two years. Since the resignation of James Baker as the personal envoy, I have heard a significant change of attitude in our government towards the issues of self-determination and the necessity of a referendum as the only viable option for a long-term solution. I first heard this change of rhetoric from the then director of Maghreb Affairs for the U.S. Department of State. In our mud house I heard her stating that State has seen a change toward freedom and democracy in Morocco. To the Saharawi the opposite is evident by the Moroccan government's brutal and repressive treatment of Saharawi who live Western Sahara, a situation that is escalating every day. People are being abducted from their homes, imprisoned after trials with no or sham representation, and recently a young man was beaten to death by Moroccan police during a peaceful demonstration. There is a complete media blockade, and any journalists that are found in the territory are arrested and interrogated for trying to report what is going on. The Moroccan authorities showed their total disregard for life by throwing hundreds of African immigrants into the desert to die. The Saharawi have reason not to trust the Moroccan government in a so-called autonomous region. The type of autonomy

that Morocco has proposed has all judicial and police functions run by the Monarchy. This type of so-called solution will never be acceptable to the Saharawi.

The same diplomat's questions to the Saharawi Ambassadors to Algeria and South Africa during the same meeting made it clear that she was probing to see if the Saharawi were really committed to the original ideas of independence. She was probing to see if they were willing to return to armed conflict in order to regain their homeland and if they were conversely willing to wait. The idea that they are broken and willing to accept simply returning to Morocco seems to be an idea that many in Washington believe. It is far from the reality here in these camps. People are willing to fight if they are pushed to it and it becomes the only option left. The more dangerous situation, however, is the escalating unrest in Moroccan-occupied Western Sahara. It is the new generation of Saharawi all over this region that is unifying and resisting the repression of the Moroccan government. Old and young alike are protesting, and Morocco is responding with very excessive force. This pattern is very dangerous. I fear that if it continues it could become an uncontrollable escalation of conflict.

On the contrary, if a peaceful solution could be found all stand to gain. This issue is the main impediment keeping the idea of a North African economic union from proceeding. Economic prosperity across the Maghreb would not only serve to benefit the nations of the region but our nation as well. The ensuing prosperity would bring more security to the region and to the world.

The discrepancy between reality in these camps and the situation that Morocco and its lobbyists would have you believe is very great. The situation is also delicate. I fear that if policy is made on the assumption that these distortions are true then the outcome of the policies will have a result much different than expected.

These camps are open for people to see for themselves that what I am saying is true. My wife and I would like to invite anyone present at this hearing to come visit us here the camps. Come spend some time here and learn for yourselves what the reality is.

